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नई दिल्ली, शनिवार, फरवरी 23, 1991/फाल्गुन 4, 1912

No. 8]

NEW DELHI, SATURDAY, FEBRUARY 23, 1991/PHALGUNA 4, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India other than
the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

सूचनाएं

नई दिल्ली, 4 फरवरी, 1991

का.आ. 512.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जगदीश प्रसाद गोयल ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिये दिया है कि उसे दिल्ली में व्यवसाय करने के लिये नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[फा.सं. 5(2)/91-न्या.]

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTICES

New Delhi, the 4th February, 1991

S.O. 512.—Notice is hereby given by the Authority in pursuance of rule 6 of the Notaries that application has been made to the said Authority rule 4 of the said Rules, by Shri Jagdish Pr appointment as a Notary to practise in I

2. Any objection to the appointment of as a Notary may be submitted in writing t within fourteen days of the publication of

[No.

का.आ. 513:—नोटरीज नियम, 1956 के अनुसरण में सक्षम प्राधिकारी द्वारा जारी किया जाता है कि श्री डी.ए. हालासमुद्रा प्राधिकारी को उक्त नियम के नियम

आवेदन इस बात के लिये दिया है कि उसे रायचूर जिले में व्यवसाय करने के लिये नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाये।

[फा.सं. 5(3)/91-न्या.]

S.O. 513.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri D. A. Halasemudra Doddappa for appointment as a Notary to practise in Raichur District.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(3)/91-Judl.]

का.आ. 514:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री फानी भूषण पाठक ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिये दिया है कि उसे जिला गिरध्री (बिहार) में व्यवसाय करने के लिये नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाये।

[फा.सं. 5(4)/91-न्या.]

S.O. 514.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Phani Dhushan Pathak for appointment as a Notary to practise in District Giridih (Bihar).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(4)/91-Judl.]

का.आ. 515:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मोहन लाल शर्मा ने उक्त प्राधिकारी को नियम के नियम 4 के अधीन एक आवेदन इस लिए दिया है कि उसे दिल्ली में फड कार्पोरेशन आफ मात्र व्यवसाय करने के लिये नोटरी के रूप में किसी भी प्रकार का आक्षेप इस सूचना के चौदह दिन के भीतर लिखित रूप में मेरे पास

[फा. सं. 5(5)/91-न्या.]

is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Mohan Lal Sharma for appointment as a Notary to practise in Delhi for F.C.I.

on the appointment of the said person submitted in writing to the undersigned of the publication of this Notice

[No. F. 5(5)/91-Judl.]

—नोटरीज नियम, 1956 के नियम 6 सक्षम प्राधिकारी द्वारा यह सूचना दी श्रीशोक कुमार चतुर्वेदी ने उक्त प्राधिकारी

को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिये दिया है कि उसे सब-डिवीजन डबरा, जिला ग्वालियर (म.प्र.) में व्यवसाय करने के लिये नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाये।

[फा.सं. 5(6)/91-न्या.]

S.O. 516.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Ashok Kumar Chaturvedi for appointment as a Notary to practise in Sub-Division Dabu District Gwalior (M.P.)

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(6)/91-Judl.]

का.आ. 517:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एन. कोटेश्वरा राव ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिये दिया है कि उसे मिन्धातूर, रायचूर जिले में व्यवसाय करने के लिये नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाये।

[फा.सं. 5(7)/91-न्या.]

S.O. 517.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri N. Kateswara Rao for appointment as a Notary to practise in Sindhanur, Raichur District.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(7)/91-Judl.]

का.आ. 518:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वामदेव सिंह तोमर ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिये दिया है कि उसे ग्वालियर हाई कोर्ट में व्यवसाय करने के लिये नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाये।

[फा.सं. 5(8)/91-न्या.]

पी.सी. कण्णन, सक्षम प्राधिकारी

S.O. 518.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Vasudev Singh Tomar for appointment as a Notary to practise in Gwalior High Court.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(8)/91-Judl.]

P. C. KANNAN, Competent Authority.

गृह मंत्रालय

(आन्तरिक सुरक्षा विभाग)

(पुनर्वास प्रभाग)

नई दिल्ली, 21 जनवरी, 1991

का.आ. 519 :—1980 के अधिनियम 61 तथा 1984 के अधिनियम, 35 के अनुसार संशोधित लोक परिसर की धारा 3 (अनधिकृत दखलकारों की बेदखली) अधिनियम, 1971 (1971 के 40) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत के राजपत्र, भाग-2, खण्ड-3, उपखण्ड (ii) में प्रकाशित भारत सरकार, गृह मंत्रालय, आन्तरिक सुरक्षा विभाग, पुनर्वास प्रभाग की अधिसूचना संख्या 1(17) विशेष सैल/86-एस. एस.-2, दिनांक 9-12-1986 के अधिक्रमण में केन्द्र सरकार एतद्वारा पुनर्वास प्रभाग, गृह मंत्रालय के बन्दोबस्त विंग में सहायता बंदोबस्त आयुक्त श्री के.जी. नायर को सरकार का राजपत्रित अधिकारी होने के नाते उक्त अधिनियम के उद्देश्य के लिए संज्ञा अधिकारी नियुक्त करती है। वे दिल्ली के संघ राज्य क्षेत्र में लाजपत राय मार्केट तथा कोटला फिरोजशाह में स्थित लोक परिसर के सम्बन्ध में उक्त अधिनियम के अन्तर्गत इन शक्तियों का प्रयोग करेंगे।

[सं. 1(1)/विशेष सैल/91-बंदोबस्त]

मु. असलम, उप सचिव

MINISTRY OF HOME AFFAIRS

(Department of Internal Security)

(Rehabilitation Division)

New Delhi, the 21st January, 1991

S.O. 519.—In exercise of the powers conferred by Section 3 of the Public Premises Eviction of Unauthorised Occupants Act, 1971, (40 of 1971) as amended by Act 61 of 1980 and Act 35 of 1984) and in supersession of Government of India, Ministry of Home Affairs, Department of Internal Security, Rehabilitation Division's Notification No. 1(17)/Spl. Cell/86-SS II, dated the 9th December, 1986, published in the Gazette of India, Part-II, Section-3, Sub-Section (ii), the Central Government hereby appoints Shri K. G. Nair, Asstt. Settlement Commissioner in the Settlement Wing of Rehabilitation Division, Ministry of Home Affairs, being a Gazetted Officer of the Government, to be an Estate Officer for the purpose of the said Act. He shall exercise the powers and perform the duties of an Estate Officer under the said Act in respect of public premises, situated in the Lajpat Rai Market and Kotla Ferozeshah in the Union Territory of Delhi.

[No. 1(1)/Spl.Cell/91-Settlement]

M. ASLAM, Dy. Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 15 नवम्बर, 1990

का.आ. 520 :— केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25)

की धारा 6 के साथ पठित, धारा 5 की उपधारा (1) द्वारा प्रदात शक्तियों का प्रयोग करते हुए, मिजोरम राज्य सरकार की सहमति से (देखिए जापन सं. 31016/1/85-सतर्कता तारीख 27-6-1990) दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संलग्न सूची के अपराधों के अन्वेषण के लिए सम्पूर्ण मिजोरम राज्य पर करती है।

सूची

क. भारतीय दंड संहिता, 1860 (1860 का 45) की निम्नलिखित धाराओं के अधीन दंडनीय अपराध :—

34, 114, 120 ख, 121, 121 क, 122, 123, 124, 124क, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 143, 147, 148, 149, 153क, 153ख, 161, 162, 163, 164, 165, 165क, 166, 167, 168, 169, 171, 171क, 182, 186इ, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 204, 211, 212, 216, 216क, 218, 220, 222, 223, 224, 225, 225ख, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263क, 277, 279, 284, 285, 286, 292, 295, 295क, 302, 303, 304, 304क, 304ख, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 332, 333, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 353, 354, 355, 363, 363क, 364, 365, 366, 367, 368, 376, 376क, 376ख, 376ग, 376घ, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 403, 406, 407, 408, 411, 412, 413, 414, 417, 418, 419, 420, 421, 429, 431, 435, 436, 440, 447, 448, 45, 456, 457, 465, 466, 467, 468, 472, 473, 474, 475, 476, 477क, 489ख, 489ग, 489घ, 489ङ, 495, 500, 501, 504, 505, 506, 507,

ख. केन्द्रीय अधिनियम

- वायुयान अधिनियम, 1934 (19 सं. 22) और उक्त अधिनियम के अधीन
- यान हरण निवारण अधिनियम, का अधिनियम सं. 65)
- पुरावशेष तथा बहुमूल्य कलाकृति अधिनियम (1972 का अधिनियम संख्या 52

4. पुरावशेष (निर्यात नियंत्रण) अधिनियम, 1947 (1947 का अधिनियम सं. 1) निरसित ।
5. आयुध अधिनियम, 1959 (1959 का अधिनियम सं. 54)
6. परमाणु ऊर्जा अधिनियम, 1962 (1962 का अधिनियम सं. 33)
7. केन्द्रीय उत्पाद शुल्क और नमक अधिनियम, 1944 (1944 का अधिनियम सं. 1)
8. कम्पनी अधिनियम, 1956 (1956 का अधिनियम सं. 1)
9. बंड विधि (संगोष्ठन) अधिनियम, 1961 (1961 का अधिनियम, सं. 23)
10. सीमा शुल्क अधिनियम, 1962 (1962 का अधिनियम संख्या 52)
11. औषधि और प्रसाधन सामग्री अधिनियम, 1940 (1940 का अधिनियम संख्या 23)
12. आवश्यक वस्तु अधिनियम, 1955 (1955 का अधिनियम संख्या 10)
13. विस्फोटक अधिनियम, 1884 (1884 का अधिनियम संख्या 4)
14. विस्फोटक पदार्थ अधिनियम, 1908 (1908 का अधिनियम सं. 6)
15. आपात संकट उपबंध (चालू रह जाना अध्यादेश, 1946 1946 का अध्यादेश सं. 20) केन्द्रीय सरकार द्वारा जारी किए गए किसी अध्यादेश का केन्द्रीय सरकार के कर्मचारियों या संबिदाकारों या उपसंबिदाकारों या उनके प्रतिनिधियों द्वारा उल्लंघन किए जाने पर)
16. भारतीय विद्युत अधिनियम, 1910 (1910 का अधिनियम सं. 9)
- विदेशी अभिदाय (विनियमन) अधिनियम, 1976 (1976 का अधिनियम संख्या 49)
- देशी विषयक अधिनियम, 1946 (1946 का अधिनियम संख्या 31)
- मुद्रा विनियमन अधिनियम, 1973 (1973 नियम सं. 46)
- सीमा कारबार (राष्ट्रीयकरण) अधिनियम, 1972 का अधिनियम संख्या 57)
- धिनियम, 158 (1958 का अधिनियम सं. 45)
- अधिनियम, 1961 (1961 का अधिनियम सं. 45)
- अधिनियम, 1961 (1961 का अधिनियम सं. 45)
24. आयात और निर्यात (नियंत्रण) अधिनियम, 1947 (1947 का अधिनियम संख्या 18)
25. बीमा अधिनियम, 1938 (1938 का अधिनियम संख्या 4)
26. उद्योग (विकास और विनियमन) अधिनियम, 1951 (1951 का अधिनियम संख्या 65)
27. मोटर यान अधिनियम, 1939 (1939 का अधिनियम संख्या 4)
28. स्वापक औषधि और मनः प्रभावी पदार्थ अधिनियम, 1985 (1985 का अधिनियम संख्या 61)
29. शासकीय गुप्त बात अधिनियम, 1923 (1923 का अधिनियम सं. 19)
30. पासपोर्ट अधिनियम, 1920 (1920 का अधिनियम संख्या 24) पासपोर्ट नियम, 1950 का नियम 6
31. पासपोर्ट (भारत में प्रवेश) अधिनियम 1920 (1920 का अधिनियम संख्या 34) के साथ पठित पासपोर्ट (भारत में प्रवेश) नियम, 1950
32. पासपोर्ट अधिनियम, 1967 (1967 का अधिनियम सं. 15)
33. भ्रष्टाचार निवारण अधिनियम, 1947 (1947 का अधिनियम सं. 32)
34. भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49)
35. भारतीय डाकघर अधिनियम, 1898 (1898 का अधिनियम सं. 6)
36. खाद्य अपमिश्रण निवारण अधिनियम, 1954 (1954 का अधिनियम सं. 37)
37. लोक सम्पत्ति नुकसान निवारण अधिनियम, 1984 (1984 का अधिनियम संख्या 3)
38. स्वापक औषधि और मनः प्रभावी पदार्थ अवैध व्यापार निवारण अधिनियम, 1988 (1988 का 46')
39. रेल अधिनियम, 1890 (1890 का अधिनियम सं. 9)
40. रेल भंडार (विधि विरुद्ध कब्जा) अधिनियम, 1953 (1955 का अधिनियम संख्या 51)
41. लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का अधिनियम सं. 43)
42. लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का अधिनियम सं. 43)
43. विदेशियों का रजिस्ट्रीकरण अधिनियम, 1939 (1939 का अधिनियम सं. 16)
44. सिविल विमानन सुरक्षा विधि विरुद्ध कार्यदमन अधिनियम, 1982 (1982 का अधिनियम संख्या 66)

45. धार्मिक संस्था (व्युत्पयोग निवारण) अधिनियम, 1988 (1988 का अधिनियम संख्या 41)
46. भारतीय तार अधिनियम, 1885 (1885 का अधिनियम संख्या 13)
47. तारयंत्र संबंधी तार (विधि विरुद्ध कब्जा) अधिनियम, 1950 (1950 का अधिनियम संख्या 74)
48. आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1985 (1985 का अधिनियम संख्या 31) और उसके अधीन बनाए गए नियम ।
49. आतंकवादी और विध्वंसक क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम संख्या 28)
50. विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का अधिनियम संख्या 37)
51. भारतीय बेतार तार यांत्रिकी अधिनियम, 1933 (1933 का अधिनियम संख्या 17)
52. धन कर अधिनियम, 1957 (1957 का अधिनियम संख्या 27) के अधीन दंडनीय अपराध ।

[संख्या 228/8/89-ए.वी.डी.-II]

जी.सीतारामन, अव्वर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel & Training)

ORDER

New Delhi, the 15th November, 1990

S.O. 520.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government with the consent of the State Government of Mizoram (vide Memo No. 31016/1/85-VIG dated 27-6-1990) hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Mizoram for investigation of offences as in the enclosed list.

[No. 228/8/89-AVD-II]

G. SITARAMAN, Under Secy.

LIST.

A. Offences punishable under Section 34, 114, 120B, 121, 121A, 122, 123, 124, 124A, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 140, 143, 147, 148, 149, 153A, 153B, 161, 162, 163, 164, 165, 165A, 166, 167, 168, 169, 171D, 171F, 182, 186, 188, 189, 190, 193, 196, 197, 198, 199, 200, 201, 204, 211, 212, 226, 216A, 218, 220, 222, 223, 224, 225, 225B, 231, 232, 333, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 263A, 277, 279, 284, 285, 286, 292, 295, 295A, 302, 303, 304, 304A, 304B, 306, 307, 308, 309, 323, 324, 325, 326, 328, 330, 332, 333, 336, 337, 338, 341, 342, 343, 344, 346, 347, 352, 353, 354, 355, 363, 363A, 364, 365, 366, 367, 368, 376, 376A, 376B, 376C, 376D, 379, 381, 38x, 382, 384, 385, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 401, 403, 406, 407, 408, 409, 411, 412, 413, 414, 417, 418, 419, 420, 426, 427, 429, 431, 435, 436, 440, 447, 448, 452, 454, 456, 457, 465, 466, 467, 468, 469, 471, 472, 473, 474, 475, 476, 477A, 489, 489A, 489B, 489C, 489D, 489E, 495, 498A, 499, 500, 501, 502, 504, 505, 506, 507, 509 of Indian Penal code 1860 (Act No. 45 of 1860).

B. CENTRAL ACTS :

Offences punishable under :

1. Aircraft Act 1934 (Act No. 22 of 1934) and rules made under the said act.
2. Anti-Hijacking Act, 1982 (Act No. 65 of 1982).
3. Antiquities and Art Treasures Act 1972 (Act No. 52 of 1972)
4. Antiquities (Export Control) Act 1947 (Act No. 31 of 1947) Repealed.
5. Arms act, 1959 (Act No. 54 of 1959)
6. Atomic Energy Act 1962 (Act No. 33 of 1962)
7. Central Excise and Salt Act 1944 (Act No. 1 of 1944)
8. Companies Act, 1956 (Act No. 1 of 1956)
9. Criminal Law (Amendment) Act, 1961 (Act No. 23 of 1961)
10. Customs Act 1962 (Act No. 52 of 1962).
11. Drugs and Cosmetics Act 1940 (Act No. 23 of 1940)
12. Essential Commodities Act 1955 (Act No. 10 of 1955)
13. Explosive Act 1804 (Act No. 4 of 1804)
14. Explosive Substance Act 1900 (Act No. 6 of 1900)
15. Emergency Provisions (Continuance) Ordinance 1946 (Ordinance No. 20 of 1946) if committed by the Employees of the Central Government or contractors or sub-contractors or their representatives by contravening any order issued by the Central Government.
16. Electricity Act 1910 (Act No. 9 of 1910)
17. Foreign contribution (Regulation) Act 1976 (Act No. 49 of 1976)
18. Foreigners Act 1946 (Act No. 31 of 1946)
19. Foreign Exchange Regulation Act 1973 (Act No. 46 of 1973)
20. General Insurance business (nationalisation) Act 1922 (Act No. 57 of 1922)
21. Gift Tax Act 1958 (Act No. 18 of 1958)
22. Gold Control Act 1968 (Act No. 45 of 1968)
23. Income Tax Act 1961 (Act No. 43 of 1961)
24. Import and Export (Control) Act 1947 (Act No. 18 of 1947)
25. Insurance Act 1938 (Act No. 4 of 1938)
26. Industries (Development and Regulation) (Act No. 65 of 1951)
27. Motor Vehicles Act 1939 (Act No. 4)
28. Narcotics Drugs and psychotropic 1985 (Act No. 61 of 1985)
29. Official Secrets Act 1923 (Act No. 1 of 1923)
30. Passport Act 1920 (Act No. 24 of 1920) and passport Rule 1950
31. The Passport (entry into India) Regulation 1920 (entry into India) Act 1920 (Act No. 1 of 1920)
32. Passport Act 1967 (Act No. 15 of 1967)
33. Prevention of Corruption Act 1947 (Act No. 1 of 1947)

34. Prevention of Corruption Act 1988 (Act No. 49 of 1988)
35. Post Office Act 1898 (Act No. 6 of 1898)
36. Prevention of Food Adulteration Act 1954 (Act No. 37 of 1954)
37. Prevention of Damage to Public Property Act 1984 (Act No. 3 of 1984)
38. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance Act 1988 (Act No. 46 of 1988)
39. Railways Act 1890 (Act No. 9 of 1890)
40. Railways Stores (Unlawful Possession) Act 1955 (Act No. 51 of 1955)
41. Representation of the People Act 1950 (Act No. 43 of 1950)
42. Representation of the People Act 1951 (Act No. 43 of 1951)
43. Registration of Foreigners Act 1939 (Act No. 16 of 1939)
44. Suppression of Unlawful Act against Safety of Civil Aviation Act 1982 (Act No. 66 of 1982)
45. The Religious Institutions (Prevention of Misuse) Act 1988 (Act No. 41 of 1988)
46. Telegraph Act 1885 (Act No. 13 of 1885)
47. Telegraph Wires (Unlawful Possession) Act 1950 (Act No. 74 of 1950)
48. Terrorist and Disruptive Activities (Prevention) Act 1985 (Act No. 31 of 1985) and Rules made thereunder
49. Terrorist and Disruptive Activities (Prevention) Act 1987 (Act No. 28 of 1987) and Rules made thereunder
50. Unlawful Activities (Prevention) Act, 1967 (Act No. 37 of 1967)
51. Wireless and Telegraphy Act 1933 (Act No. 17 of 1933)
52. Wealth Tax Act 1957 (Act No. 27 of 1957).

[No. 228/89-AVD.II]

G. SITARAMAN, Under Secy.

आदेश

नई दिल्ली, 1 फरवरी, 1991

I. 521:—केन्द्रीय सरकार, दिल्ली विशेष पुलिस अधिनियम, 1946 (1946 का अधिनियम सं. 25) के साथ पठित धारा 5 की उपधारा (1) शक्तियों का प्रयोग करते हुए, राजस्थान प्रदेश से जो राजस्थान सरकार के गृह मन्त्रालय सं. एफ 6(2) गृह-9191, जयपुर, नवरी, 1991 द्वारा दी गई है दिल्ली के सदस्यों की शक्तियों और अधिकारिता लिखित अपराधों के अन्वेषण के लिये राज्य पर कर करती है:—

(क) प्रथम इत्तिहा रिपोर्ट (एफ.आई.आर.) सं. 150/90 ताराख 20-12-90 जो पुलिस स्टेशन सदर जिला भीलवाड़ा, राजस्थान पर रजिस्टर की गई है के विषय में भारतीय विस्फोटक अधिनियम 1880 की धारा 9(ख), विस्फोटक पदार्थ अधिनियम, 1908 (1908 का 6) की धारा 4 और 5 और आतंकवाद और विध्वंसक क्रिया कलाप (निवारण) अधिनियम, 1987 की धारा 6 के साथ पठित भारतीय दंड संहिता की धारा 286 के अधीन दण्डनीय अपराध।

(ख) उक्त अपराधों के संबंध में या उनसे संसक्त प्रयत्न, दुष्प्रेरण और षड्यंत्र तथा उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संबंधों के अनुक्रम में किया गया या किये गये कोई अन्य अपराध।

[संख्या 228/5/91-ए.वा.डा.-2]

ए.सी. शर्मा, जवर सचिव

ORDER

New Delhi, the 1st February, 1991

S.O. 521.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946) the Central Government with the consent of the Government of Rajasthan vide Government of Rajasthan, Home Department Order No. F. 6 (2) Home IX/91, Jaipur dated 17-1-1991 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Rajasthan for the investigation of the offence as hereunder:—

(a) Offence punishable under section 286 Indian Penal Code read with section 9(E) of Indian Explosives Act of 1880, sections 4 and 5 of Explosives Substances Act, 1908 (5 of 1908), and section 6 of Terrorist & Disruptive Activities (Prevention) Act, 1987 in regard to FIR No. 150/90, dated 20-12-1990 registered at Police Station Sadar Dist. Bhilwara, Rajasthan.

(b) Attempts, abetments and conspiracies in relation to or in connection with the said offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/5/91-AVD-II]

A. C. SHARMA, Under Secy.

विस्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 17 जनवरी, 1991

(आय-कर)

का. आ. 522 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए

केन्द्रीय सरकार एतद्वारा "बंगाल सोशल सर्विस लीग, कलकत्ता" को 1989-90 से 1991-92 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी भी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा —
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8800/फा. सं. 197/172/90-आयकर नि. -1]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 17th January, 1991

(INCOME-TAX)

S O 522.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bengal Social Service League, Calcutta" for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No 8800/F. No. 197/172/90-I T.A.I.]

(आयकर)

का. आ. 523.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा "मुख्यमन्त्री का राहत कोष, महाराष्ट्र, बम्बई" को 1990-91 से 1992-93 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिसके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8799/फा. सं. 197/169/90-आयकर नि. 1]

(INCOME TAX)

S.O. 523.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Chief Minister's Relief Fund, Maharashtra, Bombay" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business,

unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8799/F. No. 197/169/90-I T.A.I.]

(आयकर)

का. आ. 524 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इंडियन काउंसिल फार रिसर्च आन इन्टरनेशनल इकॉनॉमिक रिलेशन” को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 और 1989-90 के लिए अधिसूचित करती है।

[सं. 8798/फा. सं. 197/131/90-आयकर (नि.-1)]

(INCOME-TAX)

S.O. 524.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Indian Council for Research on International Economic Relations, New Delhi” for the purpose of the said sub-clause for the assessment year 1988-89 and 1989-90.

[No. 8798/F. No. 197/131/90-I T.A.I.]

(आयकर)

का. आ. 525 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री चित्रपुर मठ, बंगलौर, को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8805/फा. सं. 197/176/90-आयकर (नि.-1)]

(INCOME-TAX)

S.O. 525.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Shri Chitrapur Math, Bangalore” for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8805/F. No. 197/176/90-I T.A.I.]

(आयकर)

का. आ. 526 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “गोविन्द भवन कार्यालय, कलकत्ता” को कर-निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संस्थान पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,

- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैसे जवाहिरात, फर्नीचर, आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8802/फा. सं. 197/171/90-आयकर नि. -1]

(INCOME-TAX)

S.O. 526.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Govind Bhawan Karyalaya, Calcutta” for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions, received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to the income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8802/F. No. 197/171/90-IT. A.I.]

(आयकर)

का. आ. 527 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “गुजरात इकॉनॉमिक एजुकेशन एंड रिसर्च फाउण्डेशन,” गांधी नगर (गुजरात) को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8801/फा. सं. 197/186/89-आयकर (नि. 1)]

(INCOME-TAX)

S.O. 527.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Gujarat Ecological Education and Research Foundation", Gandhi Nagar (Gujarat) for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8801/F. No. 197/186/89-IT. A.1]

(आयकर)

का. आ. 528 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि बाम्बे सोसायटी आफ दि फ्रांसिस्कन मिस्टर्स ऑफ मेरी, बंबई" को उक्त उपखंड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8803/फा. सं. 197/173/90-आयकर (नि. 1)]

(INCOME-TAX)

S.O. 528.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Bombay Society of the Franciscan Sisters of Mary, Bombay" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8803/F. No. 197/173/90-IT. A.1]

(आयकर)

का. आ. 529 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "जामकर सुलेमान मुसाफिरखाना ट्रस्ट, बम्बई" को कर-निर्धारण वर्ष 1989-90 से 1991-92 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिनी इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संव्ययन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिनी उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरान, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त

लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिनी के उद्देश्यों की प्राप्ति के लिए प्रामाणिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[सं. 8804/फा. सं. 197/174/90-आयकर (नि. 1)]

अनुजा पडंगी, अवर सचिव

(INCOME-TAX)

S.O. 529.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Jaffer Suleman Musafirkhana Trust, Bombay" for the purpose of the said sub-clause for the assessment years 1989-90 to 1991-92 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8804/F. No. 197/174/90-IT. A.1]

ANUJA SARANGI, Under Secy

आदेश

नई दिल्ली, 30 जनवरी, 1991

स्टाम्प

का.आ. 530:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उस शर्त को माफ करती है जो राष्ट्रीय सहकारी विकास निगम द्वारा जारी तीस करोड़ रु. मात्र मूल्य के "11.5% एन.सी.डी.सी. बंधपत्र, 2010 बी XXIXवीं शृंखला" के प्रामिसरी नोटों के रूप में वर्णित बंधपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं. 3/91/स्टाम्प/फा.सं. 33/56/90-बि.क.]

ORDER

New Delhi, the 30th January 1991

STAMPS

S.O. 530.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory

notes—"11.5% NCDC Bonds, 2010 (XXIXth Series)" to the value of rupees thirty crores only to be issued by National Co-operative Development Corporation are chargeable under the said Act.

[No. 3/91-Stamp/F. No. 33/56/90-ST.]

आदेश

नई दिल्ली, 6 फरवरी, 1991

स्टाम्प

का.आ. 531 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, उस शुल्क को माफ करती है, जो निक्वेली लिग्नाइट कार्पोरेशन लिमिटेड द्वारा जारी केवल चार सौ करोड़ रुपए मूल्य के 13% (कर योग्य) अपरिवर्तनीय विमोच्य ऋणपत्रों के रूप में वर्णित ऋणपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभाय है।

[सं. 4/91-स्टाम्प/फा.सं. 33/4/91-वि.क.]

ORDER

New Delhi, the 6th February, 1991

STAMPS

S.O. 531.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of 13% (taxable) non-convertible redeemable debentures of the value of rupees four hundred crores only to be issued by the Neyveli Lignite Corporation Ltd. are chargeable under the said Act.

[No. 4/91-Stamp/F. No. 33/4/91-ST]

आदेश

नई दिल्ली, 11 फरवरी, 1991

स्टाम्प

का.आ. 532 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उस, शुल्क को माफ करती है जो आवास तथा शहरी विकास निगम लि. द्वारा जारी किए जाने वाले 250 करोड़ रु. मात्र मूल्य के "9 प्रतिशत कर-मुक्त विमोच्य अपरिवर्तनीय ऋणको स्वयंशर निवेशन बांड (शृंखला-1) के स्वरूप के ऋणपत्रों पर उक्त अधिनियम के अंतर्गत प्रभाय है।

[फा.सं. 5/91-स्टा./फा.सं. 33/78/90-वि.क.]

ORDER

New Delhi, the 11th February, 1991

STAMPS

S.O. 532.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of "9% Tax-

free Redeemable Non-Convertible HUDCO Secvanger Libe-ration Bonds (Series-I)" of the value of rupees two hun- dred fifty crores only to be issued by Housing and Urban Development Corporation Limited are chargeable under the said Act.

[F. No. 5/91-Stamp/F. No. 33/78/90-ST]

आदेश

नई दिल्ली, 12 फरवरी, 1991

स्टाम्प

का. आ. 533 :—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उस शुल्क को माफ करती है, जो नेशनल थर्मलपावर कार्पोरेशन लिमिटेड द्वारा जारी चार सौ करोड़ रुपये मात्र के 13% अपरिवर्तनीय सुरक्षित विमोच्य बन्धपत्र छठा निर्गम (निजी नियोजन) सं एफ 0000001 से एफ 4000000 तक वाले प्रामिसरी नोटों के स्वरूप में वर्णित बन्धपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभाय है।

[सं. 6/91-स्टाम्प/फा. सं. 33/3/91- वि. क.]

आत्मा राम, अधर सचिव

ORDER

New Delhi, the 12th February, 1991

STAMPS

S.O. 533.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes—13% Non-Cumulative Secured Redeemable Bonds VIth issue (Private placement) bearing No. F0000001 to F4000000 of the value of rupees Four hundred crores only to be issued by National Thermal Power Corporation Limi- ted are chargeable under the said Act.

[No. 6/91-Stamp/F. No. 33/3/91-ST]

ATMA RAM, Under Secy.

व्यय विभाग

नई दिल्ली, 6 फरवरी, 1991

का. आ. 534 :—राष्ट्रपति, भारत के संविधान के अनुच्छेद 77 के खंड (3) के अनुसरण में, वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम वित्तीय शक्तियों का प्रत्यायोजन (संशोधन) नियम, 1991 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 के नियम 26 के उपनियम (2) के खंड (ड) के अन्तर्गत पर निम्नलिखित रखा जाएगा, अर्थात्:—

“(ड.) दूरसंचार विभाग”।

[सं. एफ. 1(45)-संस्था . ii (क) / 87]
डॉ. त्र्यागेश्वरन्, अवसर सचिव

टिप्पण :—वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 जिन्हें अधिसूचना सं. का. आ. 2131, तारीख 22 जुलाई, 1978 के अधीन प्रकाशित किया गया था, उनका बाद में निम्नलिखित द्वारा संशोधन किया गया:—

- (1) अधिसूचना सं. का. आ. 1887, तारीख 9-8-79
- (2) अधिसूचना सं. का. आ. 2952, तारीख 1-9-1979
- (3) अधिसूचना सं. का. आ. 2611, तारीख 4-10-1980
- (4) अधिसूचना सं. का. आ. 2164, तारीख 35-8-1981
- (5) अधिसूचना सं. का. आ. 2304, तारीख 5-9-1981
- (6) अधिसूचना सं. का. आ. 3073, तारीख 4-9-1982
- (7) अधिसूचना सं. का. आ. 4171, तारीख 11-12-1982
- (8) अधिसूचना सं. का. आ. 1314, तारीख 26-2-83
- (9) अधिसूचना सं. का. आ. 2502, तारीख 4-8-1984
- (10) अधिसूचना सं. का. आ. 22, तारीख 6-1-1985
- (11) अधिसूचना सं. का. आ. 1958, तारीख 11-5-1985
- (12) अधिसूचना सं. का. आ. 3082, तारीख 6-7-1985
- (14) अधिसूचना सं. का. आ. 3974 तारीख 24-8-1985
- (14) अधिसूचना सं. का. आ. 5641 तारीख 21-12-1985
- (15) अधिसूचना सं. का. आ. 1548 तारीख 19-4-1986
- (16) अधिसूचना सं. का. आ. 3183 तारीख 20-9-1986

- (17) अधिसूचना सं. का. आ. 3787 तारीख 8-11-1986
- (18) अधिसूचना सं. का. आ. 2508 तारीख 19-9-1987
- (19) अधिसूचना सं. का. आ. 3092 तारीख 7-11-1987
- (20) अधिसूचना सं. का. आ. 3581 तारीख 10-12-1988
- (21) अधिसूचना सं. का. आ. 641 तारीख 17-3-1990
- (22) अधिसूचना सं. का. आ. 1469 तारीख 26-1-1990
- (23) अधिसूचना सं. का. आ. 2173, तारीख 18-8-1990
- (24) अधिसूचना सं. का. आ. 3033, तारीख 17-11-1990
- (25) अधिसूचना सं. का. आ. 3414 तारीख 22-12-1990

(Department of Expenditure)

New Delhi, the 6th February, 1991

S.O. 534.—In pursuance of clause (3) of articles 77 of the Constitution of India, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1978, namely:—

1. (1) These rules may be called the Delegation of Financial Powers (Amendment) Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 26 of the Delegation of Financial Powers Rules, 1978, in sub-rule (2), for clause (e), the following shall be substituted, namely:—

(e) Department of Telecommunications.”.

[No. 1(45)-E.II(A)/87]

D. TRYAGESWARAN, Under Secy.

NOTE :—The Delegation of Financial Powers Rules, 1978 published vide Notification No. SO. 2131, dated 22nd July, 1978 have subsequently been amended by:—

- (i) Notification No. SO. 1887, dated 9-6-1979.
- (ii) Notification No. SO. 2942, dated 1-9-1979.
- (iii) Notification No. SO. 2611, dated 4-10-1980.
- (iv) Notification No. SO. 2164, dated 15-8-1981.
- (v) Notification No. SO. 2304, dated 5-9-1981.
- (vi) Notification No. SO. 3073, dated 4-9-1982.
- (vii) Notification No. SO. 4171, dated 11-12-1982.
- (viii) Notification No. SO. 1314, dated 26-2-1983.
- (ix) Notification No. SO. 2502, dated 4-8-1984.
- (x) Notification No. SO. 22, dated 5-1-1985.
- (xi) Corrigendum No. SO. 1958, dated 11-5-1985.

- (xii) Notification No. SO. 3082, dated 6-7-1985.
- (xiii) Notification No. SO. 3974, dated 24-8-1985.
- (xiv) Notification No. SO. 5641, dated 21-12-1985.
- (xv) Notification No. SO. 1548, dated 19-4-1986.
- (xvi) Notification No. SO. 3183, dated 20-9-1986.
- (xvii) Notification No. SO. 3787, dated 8-11-1986.
- (xviii) Notification No. SO. 2508, dated 19-9-1987.
- (xix) Notification No. SO. 3092, dated 7-11-1987.
- (xx) Notification No. SO. 3581, dated 10-12-1988.
- (xxi) Notification No. SO. 641, dated 17-3-1990.
- (xxii) Notification No. SO. 1469, dated 26-5-1990.
- (xxiii) Notification No. SO. 2173, dated 18-8-1990.
- (xxiv) Notification No. SO. 3033, dated 17-11-1990.
- (xxv) Notification No. SO. 3414, dated 22-12-1990.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 4 फरवरी, 1991

का.आ. 535 :—भारतीय निर्यात-आयात बैंक अधिनियम 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (ड.) के उप खण्ड (1) के अनुसरण में केन्द्रीय सरकार, एतद्द्वारा निम्नलिखित व्यक्तियों को भारतीय निर्यात-आयात बैंक के निदेशक मंडल में निदेशक के रूप में मनोनीत करती है :—

1. सचिव, वाणिज्य मंत्रालय,
नई दिल्ली।
2. सचिव, उद्योग मंत्रालय,
औद्योगिक विकास विभाग,
नई दिल्ली।

[संख्या एफ. 7/3/90-बी.ओ.-1]

एम.एस. सीतारामन, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 4th February, 1991

S.O. 535.—In pursuance of sub-clause (i) of clause (e) of sub-section (1) of section 6 of Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates the following as Directors of the Board of Directors of the Export-Import Bank of India :—

- (1) Secretary, Ministry of Commerce, New Delhi.
- (2) Secretary, Ministry of Industry, Department of Industrial Development, New Delhi

[No. F. 7/3/90-BO. 1]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 7 फरवरी, 1991

का.आ. 536 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्द्वारा श्री आर.सी. कपूर, वर्तमान महाप्रबंधक, ओरियन्टल बैंक आफ कामर्स को उनके कार्यभार ग्रहण करने की तारीख से 29 दिसम्बर, 1995 को समाप्त होने वाली अवधि तक के लिए, उसी बैंक के पूर्णकालिक निदेशक (कार्यकारी निदेशक के रूप में पद नामित) के रूप में नियुक्त करती है।

[सं. एफ. 9/28/90-बी.ओ.-1]

अनीता कपूर, उप सचिव

New Delhi, the 7th February, 1991

S.O. 536.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri R. C. Kapoor, presently General Manager Oriental Bank of Commerce, as a whole-time Director (designated as the Executive Director) of the same bank for a period commencing with the date of his taking charge and ending with 29th December, 1995.

[F. No. 9/28/90-BO. 1]

ANITA KAPUR, Dy. Secy.

का.आ. 537 :—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिशों पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध मुर्शिदाबाद जिला केन्द्रीय सहकारी बैंक लि., मुर्शिदाबाद (पश्चिम बंगाल) पर इस अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से 30 जून, 1992 तक लागू नहीं होंगे।

[फा.सं. 6-1/91-एसी]

प्रवीण कुमार तेजयान, अवसर सचिव

S.O. 537.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act,

1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Murshidabad District Central Co-operative Bank Ltd., Murshidabad (West Bengal) from the date of publication of this notification in the official Gazette to 30th June, 1992.

[F. No. 6(1)/91-AC]

P. K. TEJYAN, Under Secy.

वर्णिज्य मंत्रालय

नई दिल्ली, 8 फरवरी, 1991

का.आ. 538. केन्द्रीय सरकार निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम निर्यात (क्वालिटी नियंत्रण और निरीक्षण) (दूसरा संशोधन) नियम, 1991 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 में उपनियम (3) के—स्थान पर निम्नलिखित रखा जाएगा अर्थात् :—

(3) मान्यता तीन वर्ष की अवधि के लिए दी जा सकेगी और समय-समय पर एक बार में तीन वर्ष से अधिक अवधि के लिए नवीकृत की जा सकेगी।

[फा. सं. 5/2/90-ई आई एण्ड ई पी]

ए. के. चौधरी, निदेशक

पाद टिप्पण :—का. आ. 3317 तारीख 1-10-1964 के अनुसार मूल नियम प्रकाशित किए गए और तत्पश्चात् निम्नलिखित द्वारा संशोधित किए गए :—

का. आ. 3100 तारीख 29-9-1965

का. आ. 3965 तारीख 6-11-67

का. आ. 2718 तारीख 23-7-1968

का. आ. 277 तारीख 18-1-1969

का. आ. 1855 तारीख 22-7-1972

का. आ. 103 तारीख 6-1-1973

का. आ. 2603 तारीख 20-8-1977

का. आ. 2745 तारीख 23-9-78

का. आ. 2496 तारीख 26-9-81

का. आ. 1551 तारीख 19-3-83

का. आ. 5227 तारीख 16-11-85

का. आ. 5395 तारीख 30-11-85

का. आ. 3030 तारीख 27-9-86

का. आ. 1030 तारीख 21-4-90

MINISTRY OF COMMERCE

New Delhi, the 8th February, 1991

S.O. 538.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export (Quality Control and Inspection) Rules, 1964, namely :—

1. (1) These rules may be called the Export (Quality Control and Inspection) (Second Amendment) Rules, 1991.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export (Quality Control and Inspection) Rules, 1964, in rule 12, for sub-rule (3), the following shall be substituted, namely :—

“(3) The recognition may be granted for a period of three years and may be renewed from time to time for a period not exceeding three years at a time.”

[File No. 5/2/90-EI&EP]

A. K. CHAUDHURI, Director

Foot Note : The Principal rules were published vide S.O. 3317, dated 1-10-1964 and subsequently amended by :

S.O. 3100 dated 29-09-1965

S.O. 3965 dated 06-11-1967

S.O. 2718 dated 23-07-1968

S.O. 277 dated 18-01-1969

S.O. 1855 dated 22-07-1972

S.O. 103 dated 06-01-1973

S.O. 2603 dated 20-08-1977

S.O. 2745 dated 23-09-1978

S.O. 2496 dated 26-09-1981

S.O. 1551 dated 19-03-1983

S.O. 5227 dated 16-11-1985

S.O. 5395 dated 30-11-1985

S.O. 3030 dated 27-09-1986

S.O. 1030 dated 21-04-1990.

उद्योग मंत्रालय

(लघु उद्योग तथा कृषि और ग्रामीण उद्योग विभाग)

नई दिल्ली 11 फरवरी, 1991

का. आ. 539—केन्द्रीय सरकार सरकारी स्थान अधिभूत अधिभोगियों की बेदखली अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र, भाग 2 खंड 3, उपखंड (i) में प्रकाशित भारत सरकार के उद्योग मंत्रालय की अधिमूचना का. आ. 997 तारीख 7 फरवरी, 1985 को उन बातों के सिवाय अधिकांत करते हुए, जिन्हें ऐसे अधिकरण से पहले किया गया है या करने का लोप किया गया है, नीचे दी गई सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को, जो सरकार के राजपत्रित अधिकारी के समतुल्य रैंक का अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त

करती है और साथ ही यह निदेश देता है कि उक्त सम्पदा अधिकारी, उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी के प्रयोग की बाबत अपनी अधिकारिता की सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेगा अर्थात्—

सारणी

अधिकारी का पदाभिधान सरकारी स्थानों के प्रयोग और अधिकारिता का स्थानीय सीमाएं

(1)

महा प्रबन्धक,
पांडिचेरी

इण्डस्ट्रियल प्रोमोशन डेवलपमेंट एण्ड इन्वेस्टमेंट कार्पोरेशन, पांडिचेरी के ह
एण्ड इन्वेस्टमेंट कार्पोरेशन
पांडिचेरी।

(2)

ऐस सभा स्थानों जो पांडिचेरी इण्डस्ट्रियल प्रोमोशन डेवलपमेंट इन्वेस्टमेंट कार्पोरेशन, पांडिचेरी के ह
या उसके द्वारा या उसकी आर से पट्टे पर लिए गए ह या उसके प्रशासनिक निष्पन्न ह।

[फा स 18(4)/90-एस एस आई (पी)]

पूरन सिंह, अवर सचिव

MINISTRY OF INDUSTRY

(Department of Small Scale Industries & Agro and

Rural Industries)

New Delhi, the 11th February, 1991

S.O. 539—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of the Government of India, in the Ministry of Industry, S.O. No. 997 dated the 7th February, 1985, published in the Gazette of India, Part II, Section 3, Sub-section (ii), except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officer mentioned in column 1 of the Table below, being equivalent in rank to a gazetted officer of Government, to be estate officer for the purpose of the said Act, and further directs that the said estate officer shall exercise the powers conferred and perform the duties imposed on, a state officer by or under the said Act, within the limits of his jurisdiction in respect of the categories of public premises specified in column (2) of the said Table, namely:—

THE TABLE

Designation of the Officer	Categories of Public Premises and local limits of jurisdiction
1	2
General Manager, Pondicherry Industrial Promotion Development and Investment Corporation, Pondicherry	all premises belonging to, or taken on lease by or on behalf of or under the administrative control of the Pondicherry Industrial Promotion Development and Investment Corporation, Pondicherry situated within the revenue limits of Pondicherry UT

(F.N. 18(4)/90-SSI(P))

प्र. रानसिंग, उ. स. सचिव

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 जनवरी, 1991

का. आ 540 यत पेट्रोलियम और प्राकृतिक गैस मंत्रालय की लोकहित में यह आवश्यक है कि गजरात राज्य में डबका — 34 से ई पी एस डबका तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रस्ताव होता है कि ऐसी लाइनों को बिछाने के प्रयाजन के लिए एन.ए.ए.ए. अनुसूची में वर्णित भूमि में उपयोग का अधिकार प्रजित करना आवश्यक है।

अतः अब पेट्रोलियम और प्राकृतिक गैस पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्णन कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा - 9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन देगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डबका — 34 से ई. पी. एस. — डबका तक पाइप लाइन बिछाने के लिए।

राज्य	गुजरात	जिला	मकर	तालुका	जबुसर
गांव	ब्लॉक	हैक्टर	आर	सेन्टीयर	
कहानवा	411	0	18	33	
	413/B	0	24	31	
	414	0	08	19	

[स. ओ. -11027/161/90-आ. एन. जी. - III]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 28th January, 1991

S.O. 540—Whereas it appears to the Central Government that it is necessary in the public interest that for the laying of a pipeline from Dabka-34 to L.P.S. Dabka in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intent on to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline From Dabka-34 to EPS Dabka

State : Gujarat District : Bhach Taluka : Jambusar

Village	Block No	Hectare	Ac	Centar
Kahanwa	411	0	18	33
	413/B	0	24	31
	414	0	08	19

[No. O-11027/161/90—ONG-D-III]

पेट्रोलियम और केमिकल्स मन्त्रालय

नई दिल्ली, 28 जनवरी, 1991

का आ 511—जब कि केन्द्र सरकार यह अनुभव करती है कि मार्बे जिनक दिन में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए पाइप लाइन आ प्र राज्य में उन्नतमर्त में वेन्डा तह तह और प्राकृतिक गैस आयोग द्वारा विछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए उसके साथ मलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन विछाने के विरोध में अपनी आपत्ति सूक्ष्म प्राधिकारी तेल और प्राकृतिक गैस आयोग, के जि प्रोजेक्ट, भूसेकरणा कार्यालय, राजमुद्रि, शान्धप्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप में अथवा विधि व्यावसायी के माध्यम में अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मेडन पाइप लाइन उल्लमपल्ल में वेन्डा

स्टेट आध्र प्रदेश, जिला पश्चिम गोदावरी, मंडल पालकोल्लु

गांव	एस नं	हेक्टेअर	एअर	सेन्टिअर	एअर	सेन्टस
1	2	3	4	5	6	7
बल्लिपाडु	126	0	2	0	0	05
	125/पी टी	0	18	5	0	46
	52/2	0	05	5	0	13
	52/1 पीटी	0	06	0	0	14-1/2
	52/1 पीटी	0	04	5	0	11
	53 } 54 }	0	11	0	0	27-1/2
	32/2	0	02	5	0	06
	32/1	0	04	0	0	10
	33	0	20	0	0	50
	34	0	03	0	0	08
	35/3 पी टी	0	12	0	0	30
	35/1 पी टी	0	05	0	0	11-1/2
	35/1 पीटी	0	24	5	0	60
	36/3	0	03	5	0	09-1/2
	36/3 पी टी } 36/1 पी टी }	0	06	5	0	16
	36/2	0	15	0	0	37
	120/1 पी टी	0	09	0	0	22

120/1 पीटी	0	09	0	0	22
120/1 पी टी	0	05	0	0	11½
120/1 पी टी	0	04	5	0	11
119/2 पी टी	0	05	0	0	11½
119/2 पी टी	0	09	5	0	23
52/1 ए	0	03	0	0	08
कुल मिलाकर	1	79	5	4	42

[सं. ओ.-11027/175/90- ओ. एन. जी. डी.-III]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 28th January, 1991.

S.O. 541—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Ullamparru to Vendra in A.P. State Pipeline should be laid by the Oil and Natural Gas Commission

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto,

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act, 1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner,

SCHEDULE

Main pipe line from Ullamparru to Vendra state of Andhra Pradesh; Dt. : West Godavari; Mandal: Palakollu

Village	S.No.	Hectares	Areas	Centi- ares	Acres	Cents
1	2	3	4	5	6	7
Ballipaddu	126	0	02	0	0	05
	125/Pt	0	18	5	0	46
	52/2	0	05	5	0	13
	52/1Pt	0	06	0	0	14½
	52/1Pt	0	04	5	0	11
	53]					
	54]	0	11	0	0	27½
	32/2	0	02	5	0	06
	32/1	0	04	0	0	10
	33	0	20	0	0	50
	34	0	03	0	0	08
	35/3Pt	0	12	0	0	30
	35/1Pt	0	05	0	0	11½
	35/1Pt	0	24	5	0	60
	36/3	0	03	5	0	09½
	36/3Pt	0	06	5	0	16
	36/1Pt					
	36/2	0	15	0	0	37
	120/1Pt	0	09	0	0	22
	120/1Pt	0	05	0	0	11½
	120/1Pt	0	04	5	0	11½

1	2	3	4	5	6	7
	119/2Pt	0	05	0	0	11½
	119/2 Pt	0	09	5	0	23
	52/1A	0	03	0	0	08
Grand Total		1	79	5	4	42

[No. O-111027/175/90-ONG/D.III]

नई दिल्ली, 30 जनवरी, 1991

एस ओ 442 —जब कि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए एच.बी.जे. पाइप लाइन परियोजना के अन्तर्गत कैकलूर 6 से कैकलूर 3 तक तेल और सहज वायु आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी संक्षम प्राधिकरण तेल और सहज वायु आयोग, के.जि. प्रोजेक्ट, भूमेक्षण कार्यालय, राजमुक्ति, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निविष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यावसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

आर.ओ.ए. क्लो पाइप लाइन कैकलूर 6 से कैकलूर-3

स्टेट : आंध्र प्रदेश; जिला: कृष्णा; मंडल : मुद्दिनेपल्लि

गांव	एस.नं.	हेक्टार्स	एसं	सेन्टिएसं	एकर्स	सेन्टस
1	2	3	4	5	6	7
कोमरू	47-2 बी	0	03	0	0	07½
	46-2 बी	0	05	5	0	
	46-2 सी	0	03	0	0	07
	46-2 डी	0	03	0	0	07
	46-2 ई	0	03	0	0	07
	46-2 एफ	0	03	0	0	06½
	45-1 बी	0	03	5	0	09
	45-1 सी	0	04	0	0	10
	45-2 बी	0	07	0	0	19½
	45-3 बी } 67-1 पीटी }	0	01	0	0	01½
	67-2 पीटी	0	01	0	0	02
	72-1 बी	0	07	0	0	17
	72-2 बी	0	03	0	0	08
	72-3 बीपीटी	0	03	0	0	07½
	71-1 बीपीटी	0	12	0	0	30
	71-3 बीपीटी	0	07	5	0	18
	80-2 पीटी	0	11	0	0	27½

1	2	3	4	5	6	7
	83-2 ई	0	06	5	0	16
	80-3 पीटी	0	15	5	0	38
	81-1 बी पीटी	0	06	5	0	16
	83-2 सी पीटी	0	01	5	0	04
	83-2 डी	0	03	5	0	09
	70-2	0	01	5	0	04
	85-2 ए	0	03	0	0	08
	81-2 बी	0	03	5	0	08½
	83-1 बी	0	00	5	0	01
	83-2 बी	0	06	5	0	16
कुल मिलाकर		1	29	5	3	19½

[सं. प्रो.-11027/165/90-प्रो एन जी. डी-III]

New Delhi, the 30th January, 1991

S.O. 542.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kaikalur-6 to Kaikalur-3 in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mine-

ral pipelines (Acquisition of Right of User in the Land) Act, 1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

R.O.U. flow pipeline from Kaikalur-6 to Kaikalur 3

State : Andhra Pradesh

District : Krishna
Mandal : Mudinepalli

Village	R.S.No.	Hectares	Ares	Centares	Acres	Cents
Komarru	47-2B	0	03	0	0	07½
	46-2B	0	05	5	0	14
	46-2C	0	03	0	0	07
	46-2D	0	03	0	0	07
	46-2E	0	03	0	0	07
	46-2F	0	03	0	0	06½
	45-1B	0	03	5	0	09
	45-1C	0	04	0	0	10
	45-2B	0	07	5	0	19½
	45-3B					
	67-1Pt	0	01	0	0	01½
	67-2Pt	0	01	0	0	02
	72-1B	0	07	0	0	17
	72-2B	0	03	0	0	08
	72-3B pt	0	03	0	0	07½
	71-1B pt	0	12	0	0	30
	71-3B pt	0	07	5	0	18
	80-2 Pt	0	11	0	0	27½

1	2	3	4	5	6	7
	83-2E	0	06	5	0	16
	80-3pt	0	15	5	0	38
	81-1B pt	0	06	5	0	16
	83-2C pt	0	01	5	0	04
	83-2D	0	03	5	0	09
	70-2	0	01	5	0	04
	85-2A	0	03	0	0	08
	81-2B	0	03	5	0	08½
	83-1B	0	00	5	0	01
	83-2B	0	06	5	0	16
Total		1	29	5	3	19½

[No. O-11027/165/90-ONG.D.III]

का.प्रा. 543:—जब कि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए एच.बी.जे. पाइप लाइन परियोजना के अन्तर्गत कैकलूर 6 से कैकलूर 3 तक तेल और सहज वायु आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रूचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी तेल और सहज वायु आयोग, के.जि. प्रोजेक्ट, भूसेकरणा कार्यालय, राजमुंघ्रि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिब्यावसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

आर.प्रो.पु. फलो लाइन कैकलूर 6 से कैकलूर 3

स्टेट : आंध्र प्रदेश; जिला : कृष्णा; मंडल : मुदिनेपल्लि।

गांव	आर.एस.नं.	हेक्टास	एस	मेन्टिएस	एकर्स	सेन्ट्स
1	2	3	4	5	6	7
बेरुल	1-2 पीटी	0	01	5	0	04
	2-2 पीटी	0	03	5	0	09
	2-3 पीटी	0	04	0	0	10½
	2-4 पीटी	0	05	5	0	14
	3-2	0	02	5	0	06
	3-2	0	03	5	0	09
	4-3 बी पीटी	0	16	0	0	39
	4-4 ए पीटी	—	—	—	—	—
	4-3 सी, 4-4 सी	0	11	5	0	29

1	2	3	4	5	6	7
चेवुरु	7-1 बी	0	05	5	0	14
	11-1 बी भाग]					
	12-2 बी भाग]	0	15	5	0	37½
	11-2 सी	0	01	0	0	02
	12-1 ए, 2-बी-	0	04	0	0	09½
	2 भाग					
	19-2 भाग	0	07	5	0	19
	31-3 भाग	0	01	0	0	03
	6-2	0	04	5	0	11
	13-2	0	05	5	0	14
	31-2	0	08	5	0	21
कुल		1	01	0	2	51½

[सं.प्रो.-11027/166/90-प्रो एनजी/बी-III]

S.O. 543.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kaikalur-6 to Kaikalur-3 in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land)

Act, 1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

R.O.U. Flow line from "Kaikalur-6" to "Kaikalur-3"
State : Andhra Pradesh, District : Krishna; Mandal : Mudencpalli

Village	R.S.No.	Hectars	Ares	Centares ares	Acres	Cents
1	2	3	4	5	6	7
Chevuru	1.2 Pt.	0	01	5	0	04
	2.2 Pt.	0	03	5	0	09
	2.3 Pt.	0	04	0	0	10½
	2.4 Pt.	0	05	5	0	14
	3.2	0	02	5	0	06
	3.2	0	03	5	0	09
	4.3 B Pt. }					
	4.4A pt. }	0	16	0	0	39
	4-3C, 4-4C	0	11	5	0	29
	7-1B	0	05	5	0	14
	11-1B Pt. }					37½
	12-2B Pt. }	0	15	5	0	
	11-2C	0	01	0	0	02
	12-1A, 2B2Pt.	0	04	0	0	09½
	19-2 Pt.	0	07	5	0	19

1	2	3	4	5	6	7
Chevuru	31-3 Pt	0	01	0	0	03
	6—2	0	04	5	0	11
	13—2	0	05	5	0	14
	31—2	0	08	5	0	21
	Total	1	01	0	2	51½

[No. O-11027/166/90-ONG/D.III]

का.ग्रा. 544 :—जब कि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए एच.बी.जे. पाइप लाइन परियोजना के अन्तर्गत नरसपूर से नगरम तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्णित कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी सक्षम प्राधिकरण, तेल और प्राकृतिक गैस आयोग, के जि. प्रोजेक्ट, भूस्तरण कार्यालय, राजमुंढ्रि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

आर.ओ.ए. मेहन गैस पाइप लाइन जि.सि. एस नरसपूर से नगरम
स्टेट : आन्ध्र प्रदेश; जिला : पूरब गोदावरी; मंडल : राजोल

गांव	आर.एस.नं.	हेक्टार्स	एर्स	सेन्टिअर्स	एकर्स	सेन्ट्स
1	2	3	4	5	6	6
कडलि	43 भाग	0	28	0	0	69
	45-1 ए, 1 सी	0	49	0	1	21
	66-4, 6	0	12	0	0	30-1/2
	69-1, 2	0	26	0	0	64
	68-1	0	04	5	0	10-1/2
	45-1 बी	0	01	5	0	04-1/2
	47-1	0	03	5	0	09
	42-भाग	0	19	0	0	47
	61-भाग	0	16	0	0	40
	60-1 भाग (1)	0	01	0	0	03
	60-2 (2)	0	11	5	0	28
	-5 (7)	0	06	0	0	15
	60-2 (3)	0	04	0	0	09-1/2
	60-2, 4 (4)	0	18	0	0	45-1/2
	60-4 (5)	0	05	5	0	13
	60-4, 5 (6)	0	03	5	0	09
	66-3 (1)	0	03	0	0	06-1/2

1	2	3	4	5	6	7
कश्मि	66-3 (2)	0	11	5	0	28
	73 भाग	0	02	5	0	06
	78-1	0	11	0	0	27
	78-1	0	03	5	0	09-1/2
	78-1	0	09	5	0	22-1/2
	78-2	0	04	5	0	11-1/2
	84-3 भाग	0	12	0	0	29-1/2
	78-2	0	05	0	0	12
	78-2	0	07	0	0	17
	78-2	0	02	5	0	06-1/2
	84-2	0	03	5	0	08-1/2
	82-1	0	04	0	0	10
	84-1 भाग	0	01	5	0	04
	83-1	0	06	0	0	15
	83-1	0	06	0	0	15
	83-1	0	03	0	0	08-1/2
	83-1	0	01	5	0	04
	83-1	0	01	5	0	04
	83-1	0	01	5	0	04
	90-1 भाग	0	11	5	0	28
	90-2	0	05	5	0	14
	00-2	0	03	0	0	08
	90-2	0	03	0	0	08
	91-2	0	04	0	0	10
	91-2	0	03	0	0	07
	91-2	0	03	0	0	08
	91-2	0	03	0	0	08
	91-2	0	03	0	0	08
	91-2	0	06	5	0	16-1/2
	94-5	0	14	0	0	34
	94-4	0	09	5	0	23
	93-भाग	0	04	5	0	10-1/2
	117-1	0	03	0	0	08-1/2
	117-1	0	01	0	0	02
	119-3, 4	0	26	5	0	64-1/2
	118-1 भाग	0	02	5	0	06
	118-2 भाग	0	11	5	0	28
	118-3 भाग	0	00	5	0	01
	121-1	0	03	5	0	09
	121-1	0	03	5	0	09-1/2
	121-2	0	07	0	0	17
	121-3	0	05	0	0	12
	121-4	0	02	5	0	06
	135-3	0	06	0	0	15
	121-4	0	03	0	0	07
	122-2	0	09	0	0	22
	122-1	0	10	0	0	25

1	2	3	4	5	6	7
कडलि	114-1	0	14	5	0	35
	113-1	0	01	0	0	03
	114-2	0	05	0	0	11-1/2
	135-5	0	00	5	0	01-1/2
	136-2	0	13	5	0	32-1/2
	554 भाग	0	10	5	0	26-1/2
	559-3, 4	0	16	0	0	39
	572-1	0	13	0	0	31-1/2
	562-भाग	0	13	5	0	33
	564-भाग	0	02	0	0	05-1/2
	572-5 भाग	0	10	5	0	25-1/2
	571-2	0	07	0	0	17-1/2
	571-8 भाग	0	06	0	0	15
	571-5	0	01	0	0	02-1/2
	571-5, 6, 3, 4, 2	0	16	0	0	38- $\frac{1}{2}$
	571-4	0	01	0	0	03-1/2
	579-2, 3	0	09	5	0	24
	579-2	0	01	0	0	02-1/2
	579-2	0	10	5	0	26-1/2
	579-1	0	09	5	0	22-1/2
	591-1	0	05	5	0	13-1/2
	579-2 भाग	0	12	5	0	30-1/2
	591-3 भाग	0	00	5	0	00-1/2
	591-2 भाग	0	14	5	0	36
	692-1ए	0	01	0	0	02
	691-3 भाग	0	04	0	0	10
	691-3	0	07	5	0	19
	691-3, 4 भाग	0	13	5	0	33-1/2
	692-5, 6	0	04	0	0	09-1/2
	689-भाग	0	03	0	0	08-1/2
	702-5	0	09	5	0	22-1/2
	702-5	0	02	0	0	05
	705-5	0	02	0	0	05-1/2
	688 भाग	0	26	0	0	64
	688 भाग	0	00	5	0	01
	687-भाग	0	03	5	0	08-1/2
	681-1, 2	0	06	5	0	16
	682-1	0	03	5	0	09
	682-2	0	08	0	0	20-1/2
	682-2	0	15	0	0	37
	682-3 भाग	0	03	0	0	06-1/2
	683-1	0	05	5	0	14
	-3	0	01	5	0	14
	683-2	0	03	5	0	09-1/2
	683-4	0	07	5	0	18
	717-9 भाग	0	00	5	0	01
	678-भाग	0	01	0	0	02-1/2

1	2	3	4	5	6	7
कडलि (जारी)	725-1ए	0	01	0	0	02-1/2
	725-2 बी	0	09	0	0	22
	729-5 ए, 6 ए	0	08	0	0	20
	726-2ए	0	15	5	0	38
	729-7ए	0	09	0	0	22
	740-1ए	0	03	5	0	09
	729-7बी	0	02	5	0	06
	729-8ए	0	09	5	0	23-1/2
	729-9ए	0	05	5	0	12-1/2
	730-1ए	0	11	5	0	29
	739-1 ए, 3 ए	0	20	0	0	50
	739-2 ए, 4 ए	0	11	5	0	28
	743-1ए	0	03	0	0	08-1/2
	420-1 बी	0	12	5	0	31
	420-2 बी	0	19	0	0	47
	-2 डी	0	00	5	0	01-1/2
	420-3 बी	0	05	5	0	13
	419-1 बी	0	11	5	0	29
	419-1 डी	0	05	0	0	12
	425-2 बी	0	07	5	0	18
	-3 बी	0	18	0	0	45
	426-1 बी	0	01	5	0	04
	423-2	0	00	5	0	00-1/2
	428-2	0	01	0	0	03
	428-2 बी	0	15	5	0	38
	427-2 सी	0	01	5	0	04
	427-2 डी	0	01	5	0	40
	432-1 बी 2	0	16	0	0	40
	432-1 बी, 1 एफ	0	00	5	0	01
	—1 सी,	0	01	0	0	02
	2 बी	0	01	0	0	02½
	432-1 डी	0	15	5	0	38
	432-2 सी	0	04	0	0	10
	432-3 बी	0	05	5	0	14
	433-2	0	10	0	0	25
	433-3	0	00	5	0	00½
	-5	0	07	5	0	18
	433-4	0	00	5	0	00¼
	431-2	0	12	0	0	30
	431-3	0	01	0	0	02
	431-4	0	06	0	0	15½
	431-5	0	00	5	0	00½
	431-6	0	04	0	0	10
	431-7	0	04	5	0	11
	405-2ए	0	08	0	0	20
	406-पीटी	0	03	0	0	08
	458-2	0	44	5	1	10

1	2	3	4	5	6	7
कडलि (जारी)	407-2	0	18	0	0	45
	437-1ए	0	19	5	0	48½
	437-1बी	0	09	0	0	22½
	438-2पीटी	0	03	0	0	07
	439-2पीटी	0	06	5	0	16
	439-3पीटी	0	00	5	0	01½
	455-1बी	0	18	5	0	46
	457-1	0	27	5	0	68½
	462-4ए	0	48	5	1	20
	463-2	0	03	0	0	07
	466-1ए	0	20	0	0	50
	466-6ए	0	19	0	0	50
		13	53	0	33	34

[सं. जो-11027/167/90-मोएमजी/डी III]

S.O. 544.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from G.C.S. Narsapur to G.C.S. Nagaram in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission,

And, whereas it appear that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

R.O.U. Main Gas pipe line from "G.C.S. Narsapur" to G.C.S. Nagaram,

State : Andhra Pradesh;

District : East Godavari;

Mandal : Razole

Village	R.S.No.	Hectars	Ares	Centares	Acres	Cents
1	2	3	4	5	6	7
KADALI	43—Pt	0	28	0	0	69
	45—1A, 1C	0	49	0	1	21
	66—4, 6	0	12	0	0	30½
	69—1, 2	0	26	0	0	64
	68—1	0	04	5	0	10½
	45—1B	0	01	5	0	04½
	47—1	0	03	5	0	09
	42—Pt	0	19	0	0	47
	61—Pt	0	16	0	0	40
	60—1 A(1)	0	01	0	0	03
	60—2(2)	0	11	5	0	28
	—5(7)	0	06	0	0	15
	60—2(3)	0	04	0	0	09½
	60—2, 4(4)	0	18	0	0	45½
	60—4(5)	0	05	5	0	13
	60—4, 5 (6)	0	03	5	0	09
	66—3	0	03	0	0	06½

1	2	3	4	5	6	7
Kodati (Contd.)	66—3(2)	0	11	5	0	28
	73—Pt	0	02	5	0	06
	78—1	0	11	0	0	27
	78—1	0	03	5	0	09½
	78—1	0	09	5	0	22½
	78—2	0	04	5	0	11½
	84—3 Pt	0	12	0	0	29½
	78—2	0	05	0	0	12
	78—2	0	07	0	0	17
	78—2	0	02	5	0	06½
	84—2	0	03	5	0	08½
	82—1	0	04	0	0	10
	84—1 Pt	0	01	5	0	04
	83—1	0	06	0	0	15
	83—1	0	06	0	0	15
	83—1	0	03	0	0	08½
	83—1	0	01	5	0	04
	83—1	0	01	5	0	04
	83—1	0	01	5	0	04
	90—1 Pt	0	11	5	0	28
	90—2	0	05	5	0	14
	90—2	0	03	0	0	08
	90—2	0	03	0	0	08
	91—2	0	04	0	0	10
	91—2	0	03	0	0	07
	91—2	0	03	0	0	08
	91—2	0	03	0	0	08
	91—2	0	03	0	0	08
	91—2	0	06	5	0	16½
	94—5	0	14	0	0	34
	94—4	0	09	5	0	23
	93— Pt.	0	04	5	0	10½
	117—1	0	03	0	0	08½
	117—1	0	01	0	0	02
	119—3, 4	0	26	5	0	64½
	118—1 Pt	0	02	5	0	06
	118—2 Pt	0	11	5	0	28
	118—3 Pt	0	00	5	0	01
	121—1	0	03	5	0	09
	121—1	0	03	5	0	09½
	121—2	0	07	0	0	17
	121—3	0	05	0	0	12
	121—4	0	02	5	0	06
	135—3	0	06	0	0	15
	121—4	0	03	0	0	07
	122—2	0	09	0	0	22
	122—1	0	10	0	0	25
	114—1	0	14	5	0	35
	113—1	0	01	0	0	03
	114—2	0	05	0	0	11½
	135—5	0	00	5	0	01½

1	2	3	4	5	6	7
Kadali (Contd.)	136—2	0	13	5	0	32½
	554—Pt	0	10	5	0	26½
	559—3, 4	0	16	0	0	39
	572—1	0	13	0	0	31½
	562—Pt	0	13	5	0	33
	564—Pt	0	02	0	0	05½]
	572—5 Pt	0	10	5	0	25½
	571—2	0	07	0	0	17½
	571—8 Pt	0	06	0	0	15
	571—5	0	01	0	0	02½
	571—5, 6, 3, 4, 2	0	16	0	0	38½
	571—4	0	01	0	0	03½]
	579—2, 3	0	09	5	0	24
	579—2	0	01	0	0	02½
	579—2	0	10	5	0	26½
	579—1	0	09	5	0	22½
	591—1	0	05	5	0	13½
	579—2 Pt	0	12	5	0	30½
	591—3 Pt	0	00	5	0	00½
	591—2 Pt	0	14	5	0	36
	692—1A	0	01	0	0	02
	691—3 Pt	0	04	0	0	10
	691—3	0	07	5	0	19
	691—3, 4 Pt	0	13	5	0	33½
	692—5, 6	0	04	0	0	09½
	689—Pt	0	03	0	0	08½
	702—5	0	09	5	0	22½
	702—5	0	02	0	0	05
	702—5	0	02	0	0	05½
	688—Pt	0	26	0	0	64
	688—Pt	0	00	5	0	01
	687—Pt	0	03	5	0	08½
	681—1, 2	0	06	5	0	16
	682—1	0	03	5	0	09
	682—2	0	08	0	0	20½
	682—2	0	15	0	0	37
	682—3 Pt	0	03	0	0	06
	683—1	0	05	5	0	14
	—3	0	01	5	0	04
	683—2	0	03	5	0	09½
	683—4	0	07	5	0	18
	717—9 Pt	0	00	5	0	01
	678—Pt	0	01	0	0	02½
	725—2 A	0	01	0	0	02½
	725—2 B	0	09	0	0	22
	729—5A, 6A	0	08	0	0	20
	726—2A	0	15	5	0	38
	729—7A	0	09	0	0	22
	740—1A	0	03	5	0	09
	729—7B	0	02	5	0	06

1	2	3	4	5	6	7
	729—8A	0	09	5	0	23½
	729—9A	0	05	5	0	12½
	730—1A	0	11	5	0	29
	739—1A, 3A	0	20	0	0	50
	739—2A, 4A	0	11	5	0	28
	743—1A	0	03	0	0	08½
	420—1B	0	12	5	0	31
	420—2B	0	19	0	0	47
	—2D	0	00	5	0	01½
	420—3B	0	05	5	0	13
	419—1B	0	11	5	0	29
	419—1D	0	05	0	0	12
	425—2B	0	07	5	0	18
	—3B	0	18	0	0	45
	426—1B	0	01	5	0	04
	423—2	0	00	5	0	00½
	428—2	0	01	0	0	03
	427—2B	0	15	5	0	38
	427—2C	0	01	5	0	04
	427—2D	0	01	5	0	04
	434—1B2	0	16	0	0	40
	432—1B, 1F	0	00	5	0	01
	—1C,	0	01	0	0	02
	2b	0	01	0	0	02½
	432—1D	0	15	5	0	38
	432—2C	0	04	0	0	10
	432—3B	0	05	5	0	14
	433—2	0	10	0	0	25
	433—3	0	00	5	0	00½
	5	0	07	5	0	18
	433—4	0	00	5	0	00½
	431—2	0	12	0	0	30
	331—3	0	01	0	0	02
	431—4	0	06	0	0	15½
	431—5	0	00	5	0	00½
	431—6	0	04	0	0	10
	431—7	0	04	5	0	11
	405—2A	0	08	0	0	20
	406—pt	0	03	0	0	08
	458—2	0	44	5	1	10
	407—2	0	18	0	0	45
	437—1A	0	19	5	0	48½
	437—1B	0	09	0	0	22½
	438—2 pt	0	03	0	0	07
	439—2 pt	0	06	5	0	16
	439—3 pt	0	00	5	0	01
	455—1B	0	18	5	0	46
	457—1	0	27	5	0	68½
	462—4A	0	48	5	1	20
	463—2	0	03	0	0	07
	466—1A	0	20	0	0	50
	466—6A	0	19	0	0	35
		13	53	0	33	34

का.आ. 545 :—जब कि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए पाइप लाइन आ.प्र. राज्य में मोरि-I से जि.सि.एस. नगर तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की प्रशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी संक्षम प्राधिकारी तेल और प्राकृतिक गैस आयोग, के.जि. प्रोजेक्ट, भूसेकरणा, कार्यालय, राजमंदिर, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायी के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

आर.ओ.यू. फलो पाइप लाइन मोरि I से जि.सि.एस. नगर

स्टेट : आंध्र प्रदेश, जिला : पूरब गोदावरी मंडल : राजोल

गांव	आर.एस.नं.	हेक्टेर्स	एर्स	सेन्टीएर्स	एकर्स	सेन्ट
1	2	3	4	5	6	7
शिवकोडु	314-5	0	04	5	0	11
	320-2-1	0	12	0	0	30
	319-1	0	04	5	0	10-1/2
	319-1	0	08	5	0	21
	322-1, 2	0	20	0	0	49
	454	0	07	5	0	18
	453	0	17	5	0	43
	323-1, 2	0	09	5	0	23
	451-1 ए	0	01	5	0	04
	451-2 ए, 2बी	0	11	5	0	29
	451-2 सी	0	01	5	0	04
	451-1 डी	0	03	5	0	09
	450-1 ए	0	10	0	0	25
	450-1 बी	0	08	5	0	21
	529-ए	0	20	5	0	51
	528-	0	02	0	0	05
	525-1 ए	0	05	0	0	12
	525-1 बी	0	03	5	0	09
	524-1	0	04	0	0	10
	524-2	0	39	5	0	90
	524-3	0	02	5	0	06
	524-4	0	01	5	0	04
	522-2	0	18	5	0	46
	521-2	0	02	5	0	06
	519-1 ए	0	07	0	0	17
	519-2 ए	0	04	0	0	10

1	2	3	4	5	6	7
	515-1 ए	0	04	5	0	11
	515-1 बी	0	04	5	0	11
	515-1 सी	0	03	0	0	08
	515-1 डी	0	00	5	0	01
	514-1 ए	0	03	0	0	08
	513-1 ए	0	03	0	0	07
	514-1 ए	0	04	5	0	11
	514-2 ए	0	03	5	0	09
	513-2 ए	0	07	5	0	19
	513-2 बी	0	03	5	0	09
	312-ए	0	22	5	0	55
	601-ए	0	02	0	0	05
	511-1 ए	0	02	0	0	05
	609-ए	0	05	5	0	14
	609-बी	0	14	5	0	36
	610-1 ए, 2 ए	0	35	5	0	88
	611-1 बी	0	05	5	0	13
	613-1 ए, 2 ए	0	28	5	0	70
	612-1 ए, 2 ए	0	05	5	0	13
	615-1 ए	0	26	5	0	66
	691-1 ए पीटी	0	01	5	0	04
	691-1 एफ	0	02	0	0	05
	691-1 बी	0	06	0	0	15
	691-1 सी	0	01	5	0	04
	691-1 डी	0	03	0	0	07
	691-1 ई	0	02	5	0	06
	691-1 जी	0	03	0	0	07
	690-1 ए	0	14	5	0	36
	679-ए	0	19	0	0	47
	690-1 बी	0	07	0	0	17
	686-ए	0	03	0	0	08
	685-ए	0	04	0	0	10
	680-ए	0	03	5	0	09
कुल मिलाकर		4	84	0	11	98- $\frac{1}{2}$

[सं. ओ-11027/171/90-ओ एन जी/डी III]

S.O. 545.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Mori-I to G.C.S. Nagaram in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appear that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline; (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

G.O.U. flow pipe line from MORI-I to G.C.S. Nagaram

State : Andhra Pradesh

District : East Godavari.

Mandal : Razole

Village	R.S.No.	Hectars	Ares	Centiares	Acres	Cents.
1	2	3	4	5	6	7
Sivakodu	314—5	0	04	5	0	11
	320—2, 1	0	12	0	0	30
	319—1	0	04	5	0	10½
	319—1	0	08	5	0	21
	322—1, 2	0	20	0	0	49
	454	0	07	5	0	18
	453	0	17	5	0	43
	323—1, 2	0	09	5	0	23
	451—1A	0	01	5	0	04
	451—2A 2B	0	11	5	0	29
	451—2C	0	01	5	0	04
	451—1D	0	03	5	0	09
	450—1A	0	10	0	0	25
	450—1B	0	08	5	0	21
	529—A	0	20	5	0	51
	528	0	02	0	0	05
	525—1A	0	05	0	0	12
	525—1B	0	03	5	0	09
	524—1	0	04	0	0	10
	524—2	0	36	5	0	90
	524—3	0	02	5	0	06
	524—4	0	01	5	0	04
	522—2	0	18	5	0	46
	521—2	0	02	5	0	06
	519—1A	0	07	0	0	17
	519—2A	0	04	0	0	10
	515—1A	0	04	5	0	11
	515—1B	0	04	5	0	11
	515—1C	0	03	0	0	08
	515—1D	0	00	5	0	01
	514—1A	0	03	0	0	08
	513—1A	0	03	0	0	07
	514—1A	0	04	5	0	11
	514—2A	0	03	5	0	09
	513—2A	0	07	5	0	19
	513—2B	0	03	5	0	09
	312—A	0	22	5	0	55
	601—A	0	02	0	0	05
	511—1A	0	02	0	0	05
	609—A	0	05	5	0	14
	609—B	0	14	5	0	36
	610—1A, 2A	0	35	5	0	88
	611—1B	0	05	5	0	13
	613—1A, 2A	0	28	5	0	70
	612—1A, 2A	0	05	5	0	13
	615—1A	0	26	5	0	66

1	2	3	4	5	6	7
Sivakodu (Contd.)	691—1A pt	0	01	5	0	04
	691—1F	0	02	0	0	05
	691—1B	0	06	0	0	15
	691—1C	0	01	5	0	04
	691—1B	0	03	0	0	07
	691—1E	0	02	5	0	06
	691—1G	0	03	0	0	07
	690—1A	0	14	5	0	36
	679—A	0	19	0	0	47
	690—1B	0	07	0	0	17
	686—A	0	03	0	0	08
	685—A	0	04	0	0	10
	680—A	0	03	5	0	09
Grand Total		4	84	0	11	97

[No. O-11027/171/90-ONG/D.III]

का० आ० 546—अब कि केन्द्रीय सरकार यह अनुभव करती है कि सार्वजनिक हिन में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए एच. वि. जे. पाइप लाइन परियोजना के अन्तर्गत मोरि I से जि. सि. एस. नगरम तक तेल और सहज वायु आयोग द्वारा विद्युत जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके माध्य संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रूचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी तेल और सहज वायु आयोग, के. जि. प्रोजेक्ट, भूमेकणा, कार्यालय, राजमुंद्री, आन्ध्र प्रदेश में दर्ज करा सकती है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से-अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

फली लाइन मोरि I से जि. सि. एस. नगरम

स्टेट : आन्ध्र प्रदेश, जिला : पूरव गोदावरी मंडल : राजोलू

गाँव	एस.एन.	हेक्टास	एस	सेन्टिएस	एकस	सेन्टस
1	2	3	4	5	6	7
चितलपल्लि	90/2बी	0	35	5	0	88
	92/1 ए	0	16	5	0	41
	92/1 ए 1	0	39	5	0	97
	63/2ए, 3ए, 1ए	0	26	0	0	64
	86/ 1ए, 2ए 1	0	19	0	0	47
	85/ 2ए, 3ए, 1ए, 1	0	07	5	0	19
	84/ 5ए, 2ए, 5ए,	0	28	0	0	69
	83/ए	0	05	5	0	13
	62/2ए, 3ए 1	0	09	0	0	22
	6 2/2ए, 3ए, 1	0	18	0	0	44
कुल मिलाकर		2	04	5	5	04

[सं. ओ. 11027/168/90/ओ एन जी डी, III]

S.O. 516.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Mori-I to G.C.S. Nagaram in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Flow line from Mori I to G.C.S. Nagaram :

State : Andhra Pradesh

Dt : East Godavari ;

Mandal : Rajolu

Village	S.No.	Hectars	Ares	Centiares	Acres	Centus
1	2	3	4	5	6	7
Chintalapalli	90/2B	0	35	5	0	88
	92/1A	0	16	5	0	41
	92/1A	0	39	5	0	97
	63/2A, 3A, 1A	0	26	0	0	64
	86/1A, 2A	0	19	0	0	47
	85/2A, 3A, 1A	0	07	5	0	19
	84/5A, 2A, 5A	0	28	0	0	69
	83/A	0	05	5	0	13
	62/2A, 3A	0	09	0	0	22
	62/2A, 3A	0	18	0	0	44
Grand Total		2	04	5	5	04

[No. O-11027/168/90-ONG/D-III.]

आ. आ. 547.—जब कि केन्द्रीय सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रो-लिक्म पदार्थ एवं प्राकृतिक गैस लाइन के लिए पाइप लाइन आ. प्र. राज्य में कलकलूर 7 से कलकलूर 3 तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ मंलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलीयम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों की प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्णित कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिमूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी तेल और प्राकृतिक गैस आयोग, के. जि. प्रोजेक्ट, भस्मेकरणा कार्यालय, राजमुद्रि, आंध्रप्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को यह विशेष रूप में निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विश्वविद्यालय के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची
फलो लाईन काकलुर 7 से काकलुर 3
स्टेट. आंध्र प्रदेश. जिला: कृष्णा. मंडल. मुदिनेपल्लि

गाँव	एम. न.	हेक्टास	एस	सेन्टिएस	एकर्स	सेन्टस
चेवुरु	104 पीटी	0	02	5	0	06
	103/2	0	03	5	0	09
	94/2सी	0	13	0	0	32
	94/1बी	0	09	0	0	22
	102/2पी टी	0	01	0	0	01½
	101/2 बी, 2सी	0	04	0	0	10
	36/2बी	0	02	0	0	05
	101/2सी	0	14	5	0	36
	101/1बी	0	10	5	0	26
	94/2बी	0	19	5	0	48½
	37/3पीटी	0	05	0	0	11½
	37/2	0	01	0	0	03
	38/1बी	0	01	0	0	05
	38/2बी, 3बी	0	10	0	0	25
कुल मिलाकर		0	97	5	2	40½

[सं. ओ. 11027/172/90-ओ एन जी/बी- III]

S.O. 547.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kaikalur-7 to Kaikalur-3 in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appear that for the purpose of laying such pipeline. it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, O-I and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry- (533103).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Flow line from Kaikalur 7 to Kaikalur 3

State : Andhra Pradesh		DT : Krishna;		Manadal : Mudeneapalli		
Village	S.No.	Hectars	Ares	Centiares	Acres	Cents
Chevuru	104/Pt	0	02	5	0	06
	103/2	0	03	5	0	09
	94/2C	0	13	0	0	32
	94/1B	0	09	0	0	22
	102/2pt	0	01	0	0	01½
	101/2B, 2C	0	04	0	0	10
	36/2B	0	02	0	0	05
	101/2C	0	14	5	0	36
	101/1B	0	10	5	0	26
	94/2B	0	19	5	0	48½
	37/3 Pt	0	05	0	0	11½
	37/2	0	01	0	0	03
	38/1B	0	02	0	0	05
	38/2B, 3B	0	10	0	0	25
	Grand Total	0	97	5	2	40½

[No. O-11027/172/90-ONG/D III]

का. आ. 548.---जब कि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए पाईप लाईन आ. प्र. राज्य में कैकलूर 7 से कैकलूर 3 तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाईप लाईन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाईप लाईन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी तेल और प्राकृतिक गैस आयोग, के. जि. प्राजेक्ट, भूसेकरणा कार्यालय, राजमद्रि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची I

आर.ओ. यु. फलो. लाईन कैकलूर 7 से कैकलूर 3

स्टेट : आंध्र प्रदेश मंडल : मुयिनेपल जिला : कृष्णा

गांव	एस नं.	हेक्टासं	एस	सेंटिएस	एकर्स	सेंटस
1	2	3	4	5	6	7
	25/पी टी	0	10	0	0	25
	12/5, 4, पी टी					
	12/4सी	0	01	0	0	03
	12/4 बी,	0	07	0	0	17
	12/3सी					
	12/3 सी पी टी	0	07	0	0	17
	12/2 ए पी टी	0	07	0	0	17
	12/2 बी पी टी					
काकरवाडा !	11/2 पी टी	0	09	0	0	22
	5/6 पी टी	0	03	0	0	07
	5/4 पी टी					
	5/3 पी टी	0	07	0	0	17
	4/2 डी पी टी	0	03	0	0	08
	4/2 सी पी टी	0	03	5	0	09
	4/1 सी पी टी					
	4/1 बी पी टी	0	03	0	0	07
	4/1 ए पी टी					
	4/1 पी टी	0	03	5	0	09
	4/2 पी टी	0	02	0	0	05
कुल मिलाकर		0	66	0	1	63

S.O. 548.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kaikalur-7 to Kaikalur-3 in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

R.O.U. Flow line from Kaikalur 7 to Kaikalur 3

State : Andhra Pradesh :

Mandal : Mudiampalli;

DT : Krishna

Village	S.No.	Hectars	Ares	Centiares	Acres	Cents
Kakara Vada	25/Pt } 12/5, 4 Pt }	0	10	0	0	25
	12/4C	0	01	0	0	03
	12/4D, } 12/3 C }	0	07	0	0	17
	12/3 C Pt	0	07	0	0	17
	12/2A Pt }	0	07	0	0	17
	12/2B pt }	0				
	11/2 Pt	0	09	0	0	22
	5/6 Pt } 5/4 Pt }	0	03	0	0	07
	5/3 Pt	0	07	0	0	17
	4/2 DPT	0	03	0	0	08
	4/2 CPT } 4/1C Pt }	0	03	5	0	09
	4/1BPT }					
	4/1BPT }	0	03	0	0	07
	4/1APT }					
	4/1 Pt	0	03	5	0	09
	4/2 Pt	0	02	0	0	05
Grand Total		0	66	0	1	63

[No. O-11027/173/90-ONG/D.III]

का. प्रा. 549.—जब कि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए पाईप लाईन आ. प्र. राज्य में पामर्लेपूडी I से जि. सि. एस. नगर तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाईप लाईन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की संज्ञा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाईप लाईन बिछाने के विरोध में अपनी आपत्ति मक्षम प्राधिकारी तेल और प्राकृतिक गैस आयोग के, जि. प्राजेक्ट, भूसेकरणा कार्यालय, राजमुंद्री, आन्ध्र प्रदेश में दर्ज कर सकता है।

आर ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायी के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

आर. ओ. यु. क्लो पार्स लाईन पार्सलपूडि 1 से जि. सि. एस नगरम

स्टेट : आंध्र प्रदेश जिला : पूर्वगोदावरि मंडल : मामिडिकुदुम

गांव	एस नं.	हकटार्स	एस	मेन्टिएस	एकर्स	सेन्टस
पार्सलपूडि	47-3, 4 पी टी	0	09	5	0	23
	47-3	0	09	5	0	23
	47 -5 सी	0	22	0	0	54
	1 सी 2ए					
	48 -1 सी	0	01	0	0	03
	48 -डी	0	60	5	1	50
	40 -3,2					
	59 -1 पी टी					
	60 बी पी टी	0	01	5	0	04
	39 -7, 8, पीटी	0	08	0	0	20
	39 -8	0	05	0	0	12
	39-8 पीटी	0	08	0	0	20
	9, 10					
	39 -10 पीटी	0	07	5	0	18
	39 -11 पीटी	0	09	5	0	23
	111-1 पीटी	0	03	5	0	09
	111 -3 पीटी	0	05	5	0	13
	111 -6 पी टी	0	05	5	0	14
	111 -8 पीटी	0	03	0	0	07½
	111 -9, 14, पीटी	0	11	0	0	27
	111 -15, 16, पीटी	0	11	0	0	27
	110 -1 ए-1, बी पीटी	0	09	0	0	22
	110-16 पीटी	0	06	0	0	15
	110-1 सी पीटी	0	04	0	0	10
	110-1 सी पीटी	0	07	5	0	18
	107 - पी टी					
	109 - 3 पीटी	0	01	5	0	04
	104 -2 बी पी टी	0	09	5	0	24
	104 - 2 ए पीटी	0	01	0	0	02
	104 - 3 ए पी टी	0	03	0	0	08
	104 -2 सी पी टी	0	05	5	5	14
	104 -2 सी पी टी	0	05	5	0	13
	102-	0	28	0	0	69
	138	0	49	5	1	22
	139 3 पीटी					
कुल मिलाकर		3	11	5	7	68.½

S.O. 549.—Whereas it appear to the Central Government that it is necessary in the public interest that for the transport of petroleum from Pasarlapudi-I to G.C.S. Nagaram in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appear that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare its intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be hear in person or by legal practitioner.

SCHEDULE

R.O.U. flow pipe line from Pasarlapudi I to G.C.S. Nagaram.

State : Andhra Pradesh

Dt. East Godavari

Mandal : Mamidikuduru

Village	R.S.No.	Hectares	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
Pasarlapudi	47—34 pt	0	09	5	0	23
	47—3	0	09	5	0	23
	47—5C }	0	22	0	0	54
	1C, 2A }					
	48—1C	0	01	0	0	03
	48—D }	0	60	5	1	50
	40—3, 2 }					
	59—1 pt }	0	01	5	0	04
	60—B pt					
	39—7, 8 pt	0	08	0	0	20
	39—8	0	05	0	0	12
	39—8 pt }	0	08	0	0	20
	9—10 }					
	39—10 pt	0	07	5	0	18
	39—11 pt	0	09	5	0	23
	111—1 pt	0	03	5	0	09
	111—3 pt	0	03	5	0	13
	111—6 pt	0	05	5	0	14
	111—8 pt	0	03	0	0	07½
	111—9, 14 pt	0	11	0	0	27
	111—15, 16 pt	0	11	0	0	27
	110—1A, 18 pt	0	09	0	0	22
	110—16 pt	0	06	0	0	15
	110—1C pt	0	04	0	0	10
	110—1C pt }	0	07	5	0	18
	107—pt }					
	109—3 pt	0	01	5	0	04
	104—2B pt	0	09	5	0	24
	104—2A pt	0	01	0	0	02
	104—3A pt	0	03	0	0	08
	104—2C pt	0	05	5	0	14
	104—2C pt	0	05	5	0	13
	102—	0	28	0	0	69
	138 3 pt }	0	49	5	1	22
	139 3 pt }					
TOTAL		3	11	5	7	68½

का. प्रा. 550—जब कि केन्द्रीय सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस खाने के लिए एच. बि. जे पाइप लाइन परियोजना के अन्तर्गत उत्खनन से वेन्ड्रा तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) को धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों को प्रयोग करने हुए, केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की अंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुखि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी सक्षम प्राधिकरण तेल और प्राकृतिक गैस आयोग, के. जि. प्राजेक्ट, भूसेकरणा कार्यालय, राजमूद्रि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मेडन पाइप लाइन उत्खनन से वेन्ड्रा

स्टेट : आंध्र प्रदेश

जिला : पश्चिम गोदावरि

मंडल : बीरवासरम

गांव	एस नं.	हे.	एर्स	सेन्ट एर्स	एकर्स	सेटस
1	2	3	4	5	6	7
बीरवासरम	29/3, 2बी	0	17	0	0	42
	29/2ए, 1 बी	0	10	5	0	26½
	29/1ए	0	05	0	0	12
	29/1बी	0	05	0	0	12
	34/1	0	10	0	0	24½
	21/2बी	0	09	0	0	22
	33	0	15	5	0	38½
	34/3	0	04	5	0	11
	36/2	0	19	0	0	47
	48	0	03	5	0	09
	47/पीटी	0	18	0	1	45
	45/1	0	04	5	0	10½
	45/2	0	07	0	0	17
	43/6 बी, 7	0	22	5	0	55
	131/2ए	0	08	0	0	19½
	131/2बी	0	02	5	0	06½
	130/1सी	0	06	0	0	15
	130/1सी	0	07	5	0	19
	130/1बी	0	07	5	0	19
	130/1ए	0	03	0	0	07
	130/2ए	0	12	0	0	30
	130/2ए	0	03	0	0	08
	135	0	03	0	0	08
	139/पीटी	0	33	0	0	82
	138/पीटी	0	19	5	0	47½
	172/पीटी	0	22	5	0	55½
	170	0	03	5	0	09

1	2	3	4	5	6	7
	178/2ए	0	05	5	0	14½
	178/1	0	06	0	0	15
	175/1	0	07	5	0	19
	175/2	0	07	5	0	18½
	175/4ए, 2पीटी	0	09	0	0	22
	175/4ए	0	05	5	0	13
	175/4बी	0	15	0	0	37
	175/5	0	01	0	0	03
	175/6,5	0	04	0	0	10
	304	0	04	0	0	10
	303/3	0	03	0	0	07½
	306/1	0	28	0	0	68½
	306/3		01	0	0	02½
	307/ }	0	01	5	0	04
	301/ }	0	0			
	300/ }	0	05	0	0	12
	298/2,4	0	01	0	0	0½
	264/1	{ 0	14	5	0	35½
	264/1	{ 0	05	5	0	13½
	—	0	00	5	0	01½
	264/6	0	18	0	0	45
	264/8	0	07	5	0	19½
	267/1	0	03	0	0	07½
	265	0	03	0	0	07
	267/3,4	0	38	5	0	95
	290/2,3	0	26	0	0	63½
	290/5	0	12	5	0	31
	291/2	0	00	5	0	01½
	381/1	0	1	0	0	02
	289/1	0	04	0	0	10
	289/1	0	05	5	0	14
	2	0	05	0	0	12½
	289/2	0	11	5	0	28
	393/पीटी	0	00	5	0	0½
	393/पीटी	0	09	0	0	22
	393/पीटी	0½	03	0	0	07
	393/पीटी	0	20	0	0	49½
	392/1	0	07	0	0	16½
	392/2	0	06	0	0	15
	392/2,	0	02	0	0	05½
	391/1	0	18	0	0	44
	381/1	0	01	0	0	02
	291/1ए 3	0	12	0	0	30
	391/2	0	0	5	0	01
	381/2	0	03	0	0	08
	409	0	06	0	0	16
	410	0	13	0	0	32

1	2	3	4	5	6	7
	410	0	05	0	0	12
	411	0	11	0	0	27
	29/2	0	06	0	0	15½
	..	---	---

कुल मिलाकर	..	6	66	5	16	45½

[सं. ओ-01027/177/90/ओ एनजी/डी III]

S.O. 550.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Ullamparru to Vendra in A.P. State Pipeline should be laid by the Oil and Natural Gas Commission

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare at intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

R.O.U. pipe line from "Ullamparru" to "Vendra"

State : Andhra Pradesh,

District : West Godavari,

Mandal : Veeravasaram

Village	R.S. No.	Hectarest	Area	Centiares	Acres	Cents
1	2	3	4	5	6	7
Veeravasaram	29/3, 2B	0	17	0	0	42
	29/2A, 1D	0	10	5	0	26½
	29/1A	0	05	0	0	12
	29/1B	0	05	0	0	12
	34/1	0	10	0	0	24½
	21/2B	0	09	0	0	22
	33	0	15	5	0	38½
	34/3	0	04	5	0	11
	36/2	0	19	0	0	47
	48	0	03	5	0	09
	47/pt	0	18	0	0	45
	45/1	0	04	5	0	10½
	45/2	0	07	0	0	17
	43/6, B, 7	0	22	5	0	55
	131/2A	0	08	0	0	19½
	131/2B	0	02	5	0	06½
	130/1C	0	06	0	0	15
	130/1C	0	07	5	0	19
	130/1B	0	07	5	0	19
	130/1A	0	03	0	0	07
	130/2A	0	12	0	0	30
	130/2A	0	03	0	0	08

1	2	3	4	5	6	7
Veeravarsaram	135	0	03	0	0	08
	139/pt	0	33	0	0	82
	138/pt	0	19	5	0	47½
	172/pt	0	22	5	0	55
	170	0	03	5	0	09
	178/2A	0	05	5	0	14½
	178/1	0	06	0	0	15
	175/1	0	07	5	0	19
	175/2	0	07	5	0	18½
	175/4A 2pt	0	09	0	0	22
	175/4A	0	05	5	0	13
	175/4B	0	15	0	0	37
	175/5	0	01	0	0	03
	175/6, 5	0	04	0	0	10
	304	0	04	0	0	10
	303/3	0	03	0	0	07½
	306/1	0	28	0	0	68½
	306/3	0	01	0	0	02½
	307 }	0	01	5	0	04
	301 }	0	05	0	0	12
	300 }					
	298/24	0	01	0	0	0½
	264/1	0	14	5	0	35½
	264/1	0	05	5	0	13½
		0	00	5	0	01½
	264/6	0	18	0	0	45
	264/8	0	07	5	0	19½
	267/1	0	03	0	0	07½
	265	0	03	0	0	07
	267/3, 4	0	38	5	0	95
	290/2, 3	0	26	0	0	63½
	290/5	0	x2	5	0	31
	291/2	0	0	5	0	01½
	381/1	0	1	0	0	02
	289/1	0	04	0	0	10
	289/1	0	05	5	0	14
	2	0	05	0	0	12½
	289/2	0	11	5	0	28
	393/pt	0	0	5	0	0½
	393/pt	0	09	0	0	22
	393/pt	0	03	0	0	07
	393/pt	0	20	0	0	49½
	392/1	0	07	0	0	16½
	392/2	0	06	0	0	15
	392/2	0	02	0	0	05½
	391/1	0	18	0	0	44
	381/1	0	01	0	0	02
	391/1A3	0	12	0	0	30
	391/2	0	0	5	0	01
	381/2	0	03	0	0	08
	409	0	06	5	0	16

1	2	3	4	5	6	7
Vecravarsaram	410	0	13	0	0	32
	410	0	05	0	0	12
	411	0	11	0	0	27
	29/2	0	06	0	0	25½
TOTAL		6	66	5	16	45½

[No. O-11027/177/90-ONG/D.III]

का. आ. 551.—जब कि केन्द्रीय सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. पाइप लाइन परियोजना के अन्तर्गत जि. सि. एस. नरसपुर से जि. सि. एस. नगरम तेल नहर और सहज वायु आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की अंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमि-गत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, तेल और सहज वायु आयोग के. जि. प्राजेक्ट भूसेकरणा कार्यालय, राजमुद्रि आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय कि भी व्यक्ति को यह विशेष रूप में निविष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मेहन पाइप लाइन जि. सि. एस. नरसपुर से जि. सि. एस. नगरम

स्टेट : आन्ध्रा प्रदेश जिला : पश्चिम गोदावरी मंडल : एलमंचिलि

गांव	एस नं.	हैक्टेर्स	एस	सेन्टएस	एकर्स	सेन्टस
1	2	3	3	5	6	7
चिचिनाडा	165/4	0	10	0	0	25
	165/1,3	0	09	0	0	22
	166/2,3	0	09	0	0	22
	165/3	0	05	0	0	12
	166/4	0	11	5	0	29
	164/5	0	01	0	0	03
	163/1	0	05	0	0	12
	162/4	0	03	0	0	06½

1	2	3	4	5	6	7
विश्वनाथ	162/5	0	06	5	0	16
	161/7	0	01	0	0	0.5
	162/6	0	01	0	0	10
	162/8	0	07	0	0	17
	225/पी ई	0	05	5	0	14
	161/9	0	08	0	0	20
	161/4	0	09	0	0	22
	101/5	0	07	5	0	18
	161/9	0	05	0	0	12
	179/3	0	11	0	0	27
	156/4	0	07	5	0	19
	156/3	0	03	0	0	08
	156/3	0	01	0	0	03
	156/3	0	01	0	0	03
	156/3	0	01	0	0	03
	187/7	0	01	0	0	02
	187/1	0	01	0	0	03
	187/7	0	01	0	0	03
	187/7	0	01	0	0	05
	187/7	0	05	0	0	08
	177/2	0	05	0	0	12
	177/5	0	13	5	0	3.5
	177/5	0	09	0	0	22½
	224	0	06	0	0	15
	178	0	05	5	0	13
	179/3	0	07	5	0	19
	180	0	07	5	0	19
	180	0	01	5	0	0.5
	180	0	07	5	0	19
	180	0	02	0	0	05
	180	0	05	5	0	14
	224	0	05	0	0	12
	224	0	10	0	0	25
	225	0	26	5	0	66
	225	0	06	0	0	15
	225	0	02	5	0	05½
	225	0	17	0	0	42
	225	0	11	5	0	29
कुल मिलाकर		2	87	5	7	15½

S.O. 551.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from G.C.S. Narsapur to G.C.S. Nagaram in A.P. State Pipeline should be laid by the Oil and Natural Gas Commission

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto

Now therefore in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare its intention to acquire the right of user therein

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority Oil and Natural Gas Commission, Construction and Maintenance Division, K.G. Project, Rajahmundry-533103

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner

SCHEDULE

Main Pipe line G.C.S. Narsapur to G.C.S. Nagaram

State : Andhra Pradesh,

District : West Godavari

Mandal : Elamanchili

Village	S.No	Hectares	Ares	Centi-ares	Acres	Cents
1	2	3	4	5	6	7
Chinchinada	165/4	0	10	0	0	25
	665/1, 3	0	09	0	0	22
	166/2, 3	0	09	0	0	22
	165/3	0	05	0	0	12
	166/4	0	11	5	0	29
	164/5	0	01	0	0	03
	163/1	0	05	0	0	12
	162/4	0	03	0	0	06½
	162/5	0	06	5	0	16
	161/7	0	01	0	0	03
	162/6	0	04	0	0	10
	162/8	0	07	0	0	17
	225/PE	0	05	5	0	14
	161/9	0	08	0	0	20
	161/4	0	09	0	0	22
	161/5	0	07	5	0	18
	161/9	0	05	0	0	12
	179/3	0	11	0	0	27
	156/4	0	07	5	0	19
	156/3	0	03	0	0	08
	156/3	0	01	0	0	03
	156/3	0	01	0	0	03
	156/3	0	01	0	0	03
	187/7	0	01	0	0	02
	187/1	0	01	0	0	03
	187/7	0	01	0	0	03
	187/7	0	01	0	0	03
	187/7	0	03	0	0	08
	177/2	0	05	0	0	12
	177/5	0	13	5	0	33
	177/5	0	09	0	0	22½
	224	0	06	0	0	15

1	2	3	4	5	6	7
	178	0	05	5	0	13
	179/3	0	07	5	0	19
	180	0	07	5	0	19
	180	0	01	5	0	04
	180	0	07	5	0	19
	180	0	02	0	0	05
	180	0	05	5	0	14
	224	0	05	0	0	12
	224	0	10	0	0	25
	225	0	26	5	0	66
	225	0	06	0	0	15
	225	0	02	5	0	05½
	225	0	17	0	0	42
	225	0	11	5	0	29
Total		2	87	5	7	15½

[No. O-11027/178/90-ONG/D-III]

का आ 552—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए पाइप लाइन आन्ध्र प्रदेश राज्य में जि.मि.एम नरसपुर में जि.मि.एम नगरम तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मशा की घोषणा करती है।

जबकि कि उक्त भूमि से अपनी रजिस्टर रखने वाला कोई भी व्यक्ति अधिमूचना की तारीख में 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विराध में अपनी आपत्ति मक्षम प्राधिकारी, तेल और प्राकृतिक गैस आयोग, के. जि. प्रोजेक्ट, भूमिकरणा कार्यालय, राजमन्दि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायी के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुमूर्चा

मेहन पाइप लाइन जि.मि.एम. नरसपुर से नगरम तक
स्टेट आन्ध्र प्रदेश—जिला पश्चिम गोदावरी।

गाय	एस.न.	हेक्टेयर	एस	मेट्रिक्स	एकस	मेन्टस
1	2	3	4	5	6	7
चिल्लपल्लि	5/पीटी	0	03	0	0	07
	6/पी टी	0	17	5	0	43
	10/पी टी	0	13	5	0	33
	11/पी टी	0	03	5	0	09
	11/पी टी	0	19	5	0	84

1	2	3	4	5	6	7
	१०/पी टी	०	०६	०	०	१५
	१७/पी टी	०	३७	५	०	९३
	१७/२ पी टी	०	०३	०	०	०६½
	१७/३ पी टी	०	०१	५	०	०४
	१८/पी टी	०	०२	५	०	०६½
	१८/पी टी	०	०३	०	०	०७
	१८/१ पी टी	०	०२	५	०	०६
	१८/पी टी	०	०७	५	०	१८
	१८/पी टी	०	०९	५	०	२३
	१८/पी टी	०	०४	०	०	१०
	१८/पी टी	०	०९	५	०	२३
	५५/१ पी टी	०	१०	०	०	२५
	३३/पी टी	०	१८	०	०	४५
	५५/२ पी टी	०	०७	५	०	१९
	५५/३ पी टी	०	१८	०	०	१५
	५५/४ पी टी	०	०१	०	०	०२
	५५/५ पी टी	०	०८	५	०	२०½
	५५/६ पी टी	०	०९	०	०	२२
	५५/७ पी टी	०	०३	०	०	०७½
	५५/८ पी टी	०	०९	५	०	२३
	५५/९ पी टी	०	०१	५	०	०४
	५५/१० पी टी	०	०१	५	०	०३½
	५५/११ पी टी	०	१०	५	०	२६
	५५/१ पी टी	०	०५	०	०	१२
	५३/२ पी टी	०	०३	०	०	०८
	५३/२ पी टी	०	४०	५	१	००

कुल मिलाकर

2 99 5 7 37

[सं. ओ-११०२७/१७९/९०-ओ एन जी/डी-III]

S.O. 552.—Whereas it appear to the Central Government that it is necessary in the public interest that for the transport of petroleum from Narsapur to Nagaram in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appear that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto,

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare at intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K G Project, Rajahmundry-533103

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner

SCHEDULE

Main Pipe line from G.C.S. Narasapur to G.C.S. Nagaram

State : Andhra Pradesh : : DT : West Godavari: Mandale : Razole

Village	S. No.	Hectare	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
Chintalapalli	5/PT	०	०३	०	०	०७
	६/PT	०	१७	५	०	४३

1	2	3	4	5	6	7
	10/PT	0	13	5	0	33
	11/PT	0	03	5	0	09
	11/PT	0	19	5	0	48
	10/PT	0	06	0	0	15
	17/1PT	0	37	5	0	93
	17/2PT	0	03	0	0	06½
	17/3PT	0	01	5	0	04
	18/PT	0	02	5	0	06½
	18/PT	0	03	0	0	07
	18/1PT	0	02	5	0	06
	18/PT	0	07	5	0	18
	18/PT	0	09	5	0	23
	18/PT	0	04	0	0	10
	18/PT	0	09	5	0	23
	55/1PT	0	10	0	0	25
	33/PT	0	18	0	0	45
	55/2PT	0	07	5	0	19
	55/3PT	0	18	0	0	45
	55/4PT	0	01	0	0	02
	55/5PT	0	08	5	0	20½
	55/6PT	0	09	0	0	22
	55/7PT	0	03	0	0	07½
	55/8PT	0	09	5	0	23
	55/9PT	0	01	5	0	04
	55/10PT	0	01	5	0	03½
	55/11PT	0	10	5	0	26
	53/1PT	0	05	0	0	12
	53/2PT	0	03	0	0	08
	53/2PT	0	40	5	1	00
	Grand Total	2	99	5	7	37

[No. O-11027/179/90-ONG/D-III]

का.श्रा 553.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस खाने के लिए पाइप लाइन आन्ध्र प्रदेश राज्य में नरसपुर में जि. मि. एम. नगरम तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की श्रम की घोषणा करती है।

वर्तने कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी संक्षेप प्राधिकारिण तेल और प्राकृतिक गैस आयोग, के जि. प्रोजेक्ट, भूमेकरणा कार्यालय, राजमंदिर, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को यह विशेष रूप में निविष्ट करना होगा कि वह व्यक्तिगत रूप में अथवा विश्वविद्यालयी के माध्यम से अपना मन प्रस्तुत करना चाहता है।

अनुसूची

मैहान पाइप लाइन जि. सि. एस. चिनमामिडिपल्ली से जि. सि. एस. नगरम

राज्य : आन्ध्र प्रदेश

जिला : पश्चिम गोदावरी

मंडल : एलामंचिलि

गांव	एस. न.	हेक्टार्स	एस	सेंटियर्स	एकर्स	सेन्ट्स
1	2	3	4	5	6	7
कलगमपूडि	95/7	0	15	0	0	37
	96	0	06	5	0	16
कुल		0	21	5	0	53

[सं. श्रो.-11027/180/90-ओ एन जी/डी-III]

S.O. 553.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from G.C.S. Narsapur to Nagaram in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appear that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act.

1962 the Central Government hereby declare at intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipe line for R.O.U. Main line from G.C.S. Chinamamidi—Palli to G.C.S. Nagaram
State : Andhra Pradesh, District : West Godavari; Mandal : Elamanchili

Village	S.No.	Hectare	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
KALAGAMPUDI	95/7	0	15	0	0	37
	96	0	06	5	0	16
TOTAL	—	0	21	5	0	53

[No. O-11027/180/90-ONG/D-III]

का.आ. 554.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के पाइप लाइन आन्ध्र प्रदेश राज्य में जि.सि.एस. नरसपुर से जि.सि.एस. नगरम तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एनद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की अंश की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी हवि रखने वाला कोई भी व्यक्ति अधिमूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी संक्षेप प्राधिकारिण तेल और प्राकृतिक गैस आयोग, के.जि. प्रोजेक्ट, भूसेकरणा कार्यालय, राजमुन्दि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायी के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मेहन पाइप लाइन चिनमामिडिपल्लि से जि.सि.एम. नगरम

राज्य : आन्ध्र प्रदेश

जिला : पश्चिम गोदावरी

मंडल : नरसपुर

गांव	एस नं.	हेक्टार्स	एर्स	सेंटियर	एकर्स	सेन्ट्स
1	2	3	4	5	6	7
चिनमामिडिपल्लि	84	0	08	0	0	20
कुल मिलाकर		0	08	0	0	20

[सं. ओ-11027/181/90-ओ! एन.जॉ./डी.-III]

S.O. 554.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Narsapur to G.C.S. Nagaram in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission,

And, whereas it appear that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare at intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be hear in person or by legal practitioner.

SCHEDULE

Main Pipe line from Chinamamidipalli to G.C.S. Nagaram
State: Andhra Pradesh; Dt : West Godavari; Mandal : Narasapur

Village	S.No.	Hectares	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
CHINAMAMIDIPALLI	84	0	08	0	0	20
Grand Total		0	08	0	0	20

[No. O-11027/181/90-ONG/D.III]

का.आ. 555.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए एच.बि.जे. पाइप लाइन परियोजना के अन्तर्गत लक्ष्मनेश्वरम से जि.सि.एस. नरसपुर 305 तक तेल और प्राकृतिक गैस आयोग द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार पहण अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की अंश की घोषणा करती है।

वशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी तेल और प्राकृतिक गैस आयोग, के. जि. प्रोजेक्ट, भूसेकरणा कार्यालय, राजमुद्रि, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निविष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधिव्यवसायी के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मेहन पाइप लाइन रुस्तुमबादा गांव का और कुआनं . 3 और 5 जि. सि. एस. नरसपुर

जिला : पश्चिम

मंडल : नरसपुर

स्टेट : आंध्र प्रदेश

गांव	एस नं.	हेक्टार्स	हर्स	सेन्टियर्स	ए. कर्स	सेन्टस
1	2	3	4	5	8	6
रुस्तुमबादा	629/1, 2, 3	0	11	5	0	28
	629/1	0	02	0	0	05
	463/3	0	03	0	0	07
	563/3, 2	0	02	0	0	05
	463/2	0	01	5	0	04
	463/2	0	01	5	0	04
	463/1	0	01	5	0	04
	463/1	0	01	5	0	04
	464	0	00	5	0	01
	467	0	02	5	0	06
	467/4	0	01	5	0	04
	467	0	03	0	0	08
	467	0	01	0	0	02
	467	0	01	0	0	02
	467	0	01	0	0	02
	167	0	06	0	0	15
	467	0	01	0	0	02
	467	0	01	0	0	02
	467	0	01	0	0	03
	467	0	03	0	0	07
	467	0	01	0	0	02
	467	0	01	0	0	02
	467	0	00	5	0	01
	456/1	0	01	0	0	02
	456/1	0	03	5	0	09
	456/2	0	01	0	0	03
	456/2	0	01	0	0	03
	456/2	0	03	5	0	09
	456/2	0	04	0	0	10
	464	0	01	0	0	03
	451	0	01	5	0	04
	451	0	03	5	0	09
	451	0	02	5	0	06
	451	0	00	5	0	0 $\frac{1}{2}$
	451	0	02	0	0	05

1	2	3	4	5	6	7
	451	0	03	0	0	08
	455/2	0	05	5	0	13
	446/5	0	06	0	0	15
	446/5	0	02	0	0	05
	446/5	0	05	5	0	14
	446/3	0	03	0	0	07
	446/2	0	02	0	0	05
	446/2	0	02	5	0	06
	446/2	0	01	0	0	03
	446/1A	0	01	0	0	03
	440	0	03	0	0	08
	439	0	01	0	0	02
	438/2	0	04	0	0	10
	438/2	0	05	5	0	13
	कुल मिलाकर	1	19	5	2	95½

[सं. ओ-11027/182/90-ओ. एन. जी./डी-III]

के. विवेकानन्द, डेस्क अधिकारी

S.O. 555.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Lakshmaneswaram to G.C.S. Narsapur-III and V in A. P. State Pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act,

1962 the Central Government hereby declare its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, K. G. Project, Rajahmundry-533103.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

R.O.U. flow pipe line from RUSTUMBADA Village well No. 3, 65 to G.C.S. Narsapur
State : Andhra Pradesh District : West Godavari Mandal : Narsapur

Village	R.S.No.	Hectares	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
RUSTUMBADA	629/1 2, 3	0	11	5	0	28
	629/1	0	02	0	0	05
	463/3	0	03	0	0	07
	463/3, 2	0	02	0	0	05
	463/2	0	01	5	0	04
	463/2	0	01	5	0	04
	463/1	0	01	5	0	04
	463/1	0	01	5	0	04
	464	0	00	5	0	01
	467	0	02	5	0	06
	467/4	0	01	5	0	04

1	2	3	4	5	6	7
	467	0	03	0	0	08
	467	0	01	0	0	02
	467	0	01	0	0	02
	467	0	01	0	0	02
	467	0	06	0	0	15
	467	0	01	0	0	02
	467	0	01	0	0	02
	467	0	01	0	0	03
	467	0	03	0	0	07
	467	0	01	0	0	02
	467	0	01	0	0	02
	467	0	00	5	0	01
	456/1	0	01	0	0	02
	456/1	0	03	5	0	09
	456/2	0	01	0	0	03
	456/2	0	01	0	0	03
	456/2	0	03	5	0	09
	456/2	0	04	0	0	10
	464	0	01	0	0	03
	451	0	01	5	0	04
	451	0	03	5	0	09
	451	0	02	5	0	06
	451	0	00	5	0	04
	451	0	02	0	0	05
	451	0	03	0	0	08
	455/2	0	05	5	0	13
	446/5	0	06	0	0	15
	446/5	0	02	0	0	05
	446/5	0	05	5	0	14
	446/3	0	03	0	0	07
	446/2	0	02	0	0	05
	446/2	0	02	5	0	06
	446/2	0	01	0	0	03
	446/1A	0	01	0	0	03
	440	0	03	0	0	08
	439	0	01	0	0	02
	438/2	0	04	0	0	10
	438/2	0	05	5	0	13
		1	19	5	2	95½

[No. O-11027/182/90-ONG/D.—III]

K. VIVEKANAND, Desk Officer

(पेट्रोलियम और प्राकृतिक गैस विभाग)

नई दिल्ली, 14 फरवरी, 1991

का. घा. 556.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. घा. सं. 3087 तारीख 1-11-1990 और शुद्धिपत्र का. घा. सं. तारीख 1991 द्वारा केन्द्रीय सरकार उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को महाराष्ट्र राज्य में भारत पेट्रोलियम कार्पोरेशन लिमिटेड, रिफायनरी, माहुल, बम्बई से कैरा ग्राम तक (पतालगांगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगड, राज्य महाराष्ट्र) तथा कैरा ग्राम से माहुल बम्बई तक पाइपलाइन के परिवहन के लिए जो पाइप लाइन चेंबूर पतालगांगा पाइप लाइन लिमिटेड बम्बई द्वारा बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था,

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन सरकार को; रिपोर्ट दे दी है ;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय चेंबूर पाता गांगा पाइपलाइन्स लिमिटेड, बम्बई में, सभी बाधाओं से मुक्त रूप से, घोषणा के प्रकाशन की इस तारीख को निहित होगी।

अनुसूची

भारत पेट्रोलियम कार्पोरेशन लिमिटेड, माहुल, बम्बई से कैराग्राम तक पातालगांगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगड, राज्य महाराष्ट्र पाइप लाइन बिछाने के लिए

ग्राम	सर्वे नं./गड	हिस्सा नं.	क्षेत्र हे. आर.से..	
1	2	3	4	5
ग्राम तलेगांव	45	2 पैकी	00 01 50	
तालुका, खालापुर	45	1 पैकी	00 00 50	
जिला रायगड	46	6 पैकी	00 02 40	
राज्य महाराष्ट्र	46	4 पैकी	00 03 00	
	35	कींग 5 पैकी	00 00 60	
	35	3 पैकी	00 03 00	
	47	6 पैकी	00 08 70	
	47	3 पैकी	00 06 25	

1	2	3	4	5
		47	2 पैकी	00 01 25
		24	12 पैकी	00 00 50
		24	14 पैकी	00 05 00
		24	9 पैकी	00 04 00
		24	10 पैकी	00 00 25
		24	5 पैकी	00 05 10
		24	1 पैकी	00 04 25
		21	10 पैकी	00 02 25
		21	5 पैकी	00 03 30
		20	1 पैकी	00 03 60
		20	7 पैकी	00 00 60
		20	6 पैकी	00 03 00
		20	3 पैकी	00 01 50
		20	1 पैकी	00 02 10
		8	7 पैकी	00 02 40
		8	5 पैकी	00 03 00
		8	3 पैकी	00 03 00
		9	12 पैकी	00 02 40
		9	11 पैकी	00 01 20
		9	10 पैकी	00 01 80
		9	5 पैकी	00 00 45
		9	9 पैकी	00 01 25
		9	6 पैकी	00 03 30
		9	38 पैकी	00 01 80
		9	1 पैकी	00 02 10

[सं. 32015/5/90-वित्त.]

(Department of Petroleum)

New Delhi, the 14th February, 1991

S.O. 556.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3087 dated 1-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha/its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And, whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances.

SCHEDULE				1	2	3	4
Pipe line from Refinery of Bharat Petroleum Corporation Ltd., Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in Maharashtra State					21	10 Part	00-02-25
					21	5 Part	00-03-30
					20	8 Part	00-03-60
					20	7 Part	00-00-60
					20	6 Part	00-03-00
					20	3 Part	00-01-50
					20	1 Part	00-02-10
					8	7 Part	00-02-40
					8	5 Part	00-03-00
					8	3 Part	00-03-00
					9	12 Part	00-02-40
					9	11 Part	00-01-20
					9	10 Part	00-01-80
					9	5 Part	00-00-45
					9	9 Part	00-01-25
					9	6 Part	00-03-30
					9	3 Part	00-01-80
					9	1 Part	00-02-10
Village	S.No /Gat No.	Hissa No.	Area Hectoi.-Are-Centiares				
1	2	3	4				
Talegaon,	45	2 Part	00-01-50				
Taluka-khalapur,	45	1 Part	00-00-50				
District Raigad.	46	6 Part	00-02-40				
	46	4 Part	00-03-00				
	35	5 Part	00-00-60				
	35	3 Part	00-03-00				
	47	6 Part	00-08-70				
	47	3 Part	00-06-25				
	47	2 Part	00-01-25				
	24	12 Part	00-00-50				
	24	14 Part	00-05-00				
	24	9 Part	00-04-00				
	24	10 Part	00-00-25				
	24	5 Part	00-05-10				
	24	1 Part	00-04-25				

[No. P-32015/5/90-Dist.]

शुद्धि पत्र

का भा. 557.—निम्नलिखित अनुसूची में खाना 1 से 9 में लिखे हुए शब्दों और संख्या भारत सरकार का अधिसूचना नं. का भा. 3087 तारीख 1-11-1990 भारत का राजपत्र भाग-3, खण्ड 3, उपखण्ड (ii), 17 नवम्बर 1990 पृष्ठ 4962 से 4963 तक प्रसारित हुए अधिसूचना की अनुसूची में छपे हैं। इसके बजाय निम्नलिखित अनुसूची खाना 10 से 18 में लिखे हुए शब्दों और संख्या पड़ता।

प्रसारित किया गया वर्णन

अ. नं.	ग्राम	तालुका	जिला	स. नं.	हि. नं.	गट नं.	क्षेत्र ^२	
1	2	3	4	5	6	7	हे.	आर. सेन्टीयर
1.	तलेगांव	खालापुर	रायगड	20	2 पैकी		00	00
				8	3 पैकी		50	10
							00	00

प्रसारित होने का वर्णन

अ. नं.	ग्राम	तालुका	जिला	स. नं.	हि. नं.	गट नं.	क्षेत्र हे-आर-सेन्टीयर	
10	11	12	13	14	15	16	17	18
1.	तलेगांव	खालापुर	रायगड	20	2 पैकी	00	00	50
				8	3 पैकी	00	10	00

[सं. पी-32015/5/90-वित्त.]

का भा. 558.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का, भा. सं. 3088 तारीख 1-11-1990 और शुद्धि पत्र का, भा. सं. तारीख 1991 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को महाराष्ट्र राज्य से भारत पेट्रोलियम कार-

पोरेशन लिमिटेड, रिकायनरी, माहुल, बम्बई से कैरा ग्राम तक (पानालगंगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगड राज्य महाराष्ट्र) तथा कैरा ग्राम से माहुल, बम्बई तक ताफता के परिवहन के लिए दो पाइप लाइन बेंचूर पानालगंगा पाइपलाइन्स लिमिटेड, बम्बई द्वारा बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अतः, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार निवेदन करती है कि उस भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से चेंबर पानालगंगा पाइपलाइन्स लिमिटेड बम्बई में सभी बाधाओं से उक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निश्चित होगा।

अनुसूची

भारत पेट्रोलियम कारपोरेशन लिमिटेड, माहुल बम्बई में कौरा ग्राम तक पानालगंगा औद्योगिक क्षेत्र, तालुका खालापूर, जिला रायगड़ राज्य महाराष्ट्र पाइप लाइन बिछाने के लिए।

ग्राम	सर्वे नं. गट नं. हिस्सा नं.	क्षेत्र	हे. आ. से.
(1)	(2)	(3)	(4)
ग्राम—खानावले	29	4 पैकी	00 03 60
तालुका—पनवेल	29	3 पैकी	00 02 52
जिला रायगड़	29	2 पैकी	00 01 56
राज्य—महाराष्ट्र	50	1 पैकी	00 03 18
	29	1 पैकी	00 01 62
	23	1 अ पैकी	00 01 80
	50	10 अ पैकी	00 00 60
	17	2 पैकी	00 00 40
	50	7 पैकी	00 01 23
	51	0 पैकी	00 02 64
	52	2 पैकी	00 02 88
	52	1 पैकी	00 00 88
	53	0 पैकी	00 02 12
	54	0 पैकी	00 03 78
	155	1 पैकी	00 02 70
	156	0 पैकी	00 01 50
	93	3 पैकी	00 00 78
	94	0 पैकी	00 02 88
	93	1 अ पैकी	00 05 58
	151	0 पैकी	00 01 02
	146	0 पैकी	00 00 25
	147	0 पैकी	00 06 18
	138	0 पैकी	00 02 10
	139	2 अ पैकी	00 09 30
	136	1 अ पैकी	00 04 80
	134	0 पैकी	00 05 64
	133	0 पैकी	00 05 40

[सं. पी. 32015/6/90-वित्त]

S.O. 558.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3088 dated 1-11-1990 and erratum No. S.O. dated - 199 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962). The Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha/its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And, whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances.

SCHEDULE

Pipelines from Refinery of Bharat Petroleum Corporation Ltd. Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, Distt. Raigad in Maharashtra State.

Village	S.No./Gat No.	Hiss a No.	Hector-Are Centiare
1	2	3	4
Khanawale,	29	4 Part	00-03-60
Taluka Panvel,	29	3 Part	00-02-52
District Raigad.	29	2 Part	00-01-56
	50	14Part	00-03-18
	29	1 Part	00-01-62
	23	1A Part	00-01-80
	50	10B Part	00-00-60
		10B]	
	17	2 Part	00-00-40
	50	7 Part	00-01-23
	51	0 Part	00-02-64
	52	2 Part	00-02-88
	52	1 Part	00-00-88
	53	0 Part	00-02-12
	54	0 Part	00-03-78
	155	1 Part	00-02-70
	156	0 Part	00-01-50
	93	3 Part	00-00-78
	94	0 Part	00-02-88
	93	1A Part	00-05-58
	151	0 Part	00-01-02
	146	0 Part	00-00-25
	147	0 Part	00-06-18
	138	0 Part	00-02-10
	139	2A Part	00-09-30
	136	1A Part	00-04-80
	134	0 Part	00-05-64
	133	0 Part	00-05-40

[No. P-32015/6/90-Distt.]

प्रिन्सिपल

का.प्र. 559-निम्नलिखित अनुसूची में खाना 1 से 9 में लिखे हुए शब्दों और संख्या भारत सरकार की अधिसूचना सं. का.प्र. 3077 तारीख 1-11-90 भारत का राजपत्र भाग-2, खण्ड 3, उपखण्ड (ii) 18 नवम्बर 1990 पृष्ठ 4964 से प्रसारित हुए अधिसूचना की अनुसूची में छपे हैं। इसके बजाय निम्न-लिखित अनुसूची खाना 10 से 18 में लिखे हुए शब्दों और संख्या पढ़ना।

प्रसारित किया गया वर्णन

अ.नं.	ग्राम	तालुका	जिला	स.नं. हि.नं. गट नं.	क्षेत्र	हे	घार	सेंटीघर
1	2	3	4	5	6	7	8	9
1.	खानावाले	पनवेल	रायगड	54 93	0 पैकी 1 पैकी	00 00	13 04	00 0

प्रसारित होने का वर्णन

अ. नं.	ग्राम	तालुका	जिला	स. नं. हि. नं. गट नं.	क्षेत्र	हे	घार	सेंटीघर
10	11	12	13	14	15	16	17	18
1.	खानावाले	पनवेल	रायगड	54 93	0 पैकी 1 पैकी	00 00	12 04	00 00

[सं. पी-32015/9/90-वित्त.]

ERRATUM

S.O.559.—Read words and figures shown in columns 1 to 9 to the schedule given below appearing in the schedule annexed to the Government of India Notification No. S-O/3088 dated 1-11-1990 published in the Gazette of India Part II, section 3, Sub-Sec (ii) dated 17-11-1990 on pages 4964 to 4965 as "words and figures," shown in columns 10 to 18 to the schedule given below:

SCHEDULE

Sr. No.	Name of the Village	Taluka	District	S.No.	Hissa No.	Gar No.	Area		
							H	Are	C Are
1	2	3	4	5	6	7	8	9	
1.	Khanawale	Pinvel	Raigad	93	1 Part	—	00-04-00		
				138	0 Part	—	00-09-00		
				139	2A Part	—	00-16-00		
Sr. No.	Name of the village	Taluka	District	S.No.	Hissa No.	Gar No.	Area		
							H	Are	C Are
1.	Khanawale	Pinvel	Raigad	93	I-B Part	—	00-04-00		
				138	0 Part	—	00-09-00		
				139	2-A Part	—	00-86-00		

[No. P-32015/6/90-Dist.]

का. प्र. 560.—यतः पेट्रोलियम और खनिज पदार्थलाभन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 1 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्र. सं. 3000 तारीख 1-11-1990 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का महाराष्ट्र राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड रिफायनरी, माहल बम्बई से कैरा ग्राम तक पातालगंगा औद्योगिक क्षेत्र, में तालुका खासापुर जिला रायगड, राज्य महाराष्ट्र तथा कैरा ग्राम माहल, बम्बई तक नाफता के परिवहन के लिए दो पाइप लाइन बैम्बूर पातालगंगा लाइन्स लिमिटेड बम्बई द्वारा बिछाने के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय बैम्बूर पातालगंगा पाइपलाइन्स लिमिटेड बम्बई में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

भारत पेट्रोलियम कारपोरेशन लिमिटेड, माहुल, बम्बई से कैरा ग्राम तक पातालगंगा औद्योगिक क्षेत्र, तालुका खालापूर, जिला रायगड, राज्य महाराष्ट्र पाइप लाइन बिछाने के लिए।

ग्राम	सर्वे नं/गट नं.	हिस्सा नं.	क्षेत्र हे.आर.से.
(1)	(2)	(3)	(4)
ग्राम—मोहोपे, तालुका—	69	2 पैकी	00-16-80
पनवेल—जिला—रायगड	67	0 पैकी	00-03-90
राज्य—महाराष्ट्र	70	0 पैकी	00-02-52

[स. पी. 32015/8/90-विन]

S.O. 560.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3090 dated 1-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962). The Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha/its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And, whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances.

SCHEDULE

Pipelines from Refinery of Bharat Petroleum Corporation Ltd., Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in Maharashtra State.

Village	S.No./Gat No.	Hissa No	Area Hec.-Are-Centiar
1	2	3	4
Mohope, Taluka—Panvel	69	2 Part	00-16-80
District—Raigad	67	0 Part	00-03-90
	70	0 Part	00-02-52

[No. P-32015/8/90-Dist.]

का.आ. 561.—यत् पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 2 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं.3099 तारीख 1-11-1990 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का महाराष्ट्र राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड रफायनरी, माहुल, बम्बई से कैरा ग्राम तक (पातालगंगा औद्योगिक क्षेत्र, तालुका खालापूर, जिला

रायगड, राज्य महाराष्ट्र) तथा कैरा ग्राम से माहुल बम्बई तक ताफा नं. परिक्लन के लिए दो पाइप लाइन बंधू पातालगंगा पाइप लाइन लिमिटेड बम्बई द्वारा बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था,

और यत् सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे, यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है,

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एम्बुद्धा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एम्बुद्धा अर्जित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय चम्बूर पातालगंगा, पाइप लाइन लिमिटेड, बम्बई में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की उस तारीख को निहित होगा।

भारत पेट्रोलियम कारपोरेशन लिमिटेड, माहुल, बम्बई से कैरा ग्राम तक पातालगंगा औद्योगिक क्षेत्र, तालुका खालापूर, जिला रायगड, राज्य महाराष्ट्र पाइप लाइन बिछाने के लिए

ग्राम	सर्वे नं. गट नं.	हिस्सा नं.	क्षेत्र हेक्टर—आर.—सेंटीयर
ग्राम—भिंगारवाडी	43	1 पैकी	00-08-40
तालुका—पनवेल	54	0 पैकी	00-10-50
जिला—रायगड	56	2 पैकी	00-00-25
राज्य—महाराष्ट्र	55	0 पैकी	00-01-00
	58	1 पैकी	00-06-00
	63	1 पैकी	00-01-00
	63	2 पैकी	00-01-50
	64	0 पैकी	00-05-40
	71	0 पैकी	00-01-20
	70	1/1 पैकी	00-03-00
	70	1/1 पैकी	00-00-50
	70	2 पैकी	00-03-00
	70	3 पैकी	00-00-50
	74	1 पैकी	00-07-50
	76	1 पैकी	00-00-60
	76	3 पैकी	00-03-00
	77	1 पैकी	00-03-00
	77	2 पैकी	00-01-50

[स. पी. 32015/9/90-विन]

S.O. 561.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3091 dated 1-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962). The Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha/its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul Bombay to village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances.

SCHEDULE

Pipelines from Refinery of Bharat Petroleum Corporation Ltd., Mahul, Bombay to village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in Maharashtra State

Village	S.No./Gat No.	HissaNo.	Area Hector-Are- Centiare
1	2	3	4
Bhin Garwadi	43	1 Part	00-08-40
Taluka panvel,	54	0 Part	00-10-50
District Raigad	56	2 Part	00-00-25
	55	0 Part	00-01-00
	58	1 Part	00-06-00
	63	1 Part	0-01-00
	63	2 Part	00-01-50
	64	0 Part	00-05-40
	71	0 Part	00-01-20
	70	1/1 Part	00-03-00
	70	1/1 Part	00-00-50
	70	2 Part	00-03-00
	70	3 Part	00-00-50
	74	1 Part	00-07-50
	76	1 Part	00-00-60
	76	3 Part	00-03-00
	77	1 Part	00-03-00
	77	2 Part	00-01-50

[No. P-32015/9/90-Dist.]

का.प्रा. 562.—यत् पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का प्रा. 3093 तारीख 1-11-1990 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का महाराष्ट्र राज्य में भारत पेट्रोलियम कार्पोरेशन लिमिटेड रिफाइनरी, माहुल बम्बई से कैरा ग्राम तक (पतालगांगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगड, राज्य महाराष्ट्र) तथा कैरा ग्राम से माहुल बम्बई तक नाफ्था के परिवहन के लिए दो पाइप लाइन चेम्बुर पतालगांगा पाइप लाइन्स लिमिटेड बम्बई द्वारा बिछाने के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और यत्: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत्: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, यत् उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय चेम्बुर पतालगांगा पाइपलाइन्स लिमिटेड, बम्बई में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

भारत पेट्रोलियम कार्पोरेशन लिमिटेड, माहुल, बम्बई से कैरा ग्राम तक पतालगांगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगड, राज्य महाराष्ट्र

पाइप लाइन बिछाने के लिए

ग्राम	सर्वे न. / गट नं.	क्षेत्र हैक्टर-आर-सेन्टेयर	क्षेत्र
ग्राम-शोङ्ग	121	3 पैकी	00-01-20
तालुका-पतवेल	121	1 (2) पैकी	00-01-50
जिला-रायगड,	121	2 पैकी	00-01-70
राज्य-महाराष्ट्र	121	1 (3) पैकी	00-00-70
	42	0 पैकी	00-00-50
	118	0 पैकी	00-04-40
	119	1 पैकी	00-03-10
	117	1 पैकी	00-01-90
	114	2 (2) पैकी	00-06-50
	112	0 पैकी	00-02-90
	111	0 पैका	00-50-30

[स. पी-32015/11/90-विस्त.]

S.O. 562.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3093 dated 1-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962). The Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha/its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul Bombay to village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And, whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances.

SCHEDULE

Pipelines from Refinery of Bharat Petroleum Corporation Ltd., Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in Maharashtra State.

Village	S. No./ Gat No.	Hissa No.	Area Hector- Are Centiare
Shedung			
Taluka—Panvel			
District Raigad			
	121	3 Part	00-01-20
	121	1(2) Part	00-01-50
	121	2 Part	00-01-70
	121	1(3) Part	00-00-70
	42	0 Part	00-00-50
	118	0 Part	00-04-40
	119	1 Part	00-03-10
	117	1 Part	00-01-90
	114	2(2) Part	00-06-50
	112	0 Part	00-02-90
	111	0 Part	00-05-30

[No. P-32015/11/90-Dist.]

का.भा. 563.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा.सं. 3094 तारीख 1-11-1990 और शुद्धिपत्र का.भा.सं. तारीख 1991 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार की महाराष्ट्र राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड, रिफाइनरी, माहुल बम्बई से कैरा ग्राम तक (पाताल-गंगा औद्योगिक क्षेत्र, तालुका खालापूर, जिला रायगढ़, राज्य महाराष्ट्र तथा कैरा ग्राम से माहुल बम्बई तक नैफ्था के परिवहन के लिए दो पाइप लाइन चेंबूर पातालगंगा पाइपलाइन्स लिमिटेड बम्बई द्वारा बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का अपना विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय चेंबूर पातालगंगा पाइपलाइन्स लिमिटेड, बम्बई से, सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख को मिहित होगा।

अनुसूची

भारत पेट्रोलियम कारपोरेशन लिमिटेड, माहुल, बम्बई से कैरा ग्राम तक पातालगंगा औद्योगिक क्षेत्र, तालुका खालापूर, जिला रायगढ़, राज्य महाराष्ट्र पाइप लाइन बिछाने के लिए

ग्राम	सर्वे मं./ गट नं.	हिस्सा नं.	हेक्टर-आर-सेन्टेयर
1	2	3	4
ग्राम—अजिवाली	69	0 पैकी	00-08-40
तालुका—पनवेल	70	0 पैकी	00-00-25

1	2	3	4
जिला—रायगढ़	68	0 पैकी	00-06-00
राज्य—महाराष्ट्र	62	1 पैकी	00-01-00
	62	2 पैकी	00-08-40
	63	1 पैकी	00-00-25
	63	2 पैकी	00-00-80
	61	0 पैकी	00-00-25
	60	2 पैकी	00-03-10
	53	0 पैकी	00-01-00

[सं. पी-32015/12/90-विस्त.]

S.O. 563.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3094 dated 1-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962). The Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And, whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances

SCHEDULE

Pipelines from Refinery of Bharat Petroleum Corporation Ltd., Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in Maharashtra State.

Village	S. No./ Gat No.	Hissa No.	Area Hector- Are- Centiare
Ajivali	69	0 Part	00-08-40
Taluka—Panvel,	70	0 Part	00-00-25
District—Raigad.	68	0 Part	00-06-00
	62	1 Part	00-01-00
	62	2 Part	00-08-40
	63	1 Part	00-00-25
	63	2 Part	00-00-80
	61	0 Part	00-00-25
	60	2 Part	00-03-10
	53	0 Part	00-01-00

[No. P-32015/12/90-Dist.]

शुद्धिपत्र

का.आ.564 -- निम्नलिखित अनुसूची में खाना 1 से 9 में लिखे हुए शब्दों और संख्या भारत सरकार की अधिसूचना नं. का.आ. 3094 तारीख 1-11-1990 भारत का राजपत्र, भाग-2, खण्ड 3, उपखण्ड (ii) 17 नवम्बर, 1990 पृष्ठ 4970 में प्रसारित हुए अधिसूचना की अनुसूची में छपे हैं। इसकी वजह निम्नलिखित अनुसूची खाना 10 से 18 में लिखे हुए शब्दों और संख्या को पढ़ना।

प्रसारित किया गया वर्णन

अ.नं.	ग्राम	तालुका	जिला	म.सं.	हि.नं.	गट नं.	क्षेत्र		
							हे	भार	सेटीयर
1	2	3	4	5	6	7	8	9	
1.	अजियली	पनवेल	रायगढ़	70	0 पैकी—	00	50	00	

प्रसारित होने का वर्णन

अ.नं.	ग्राम	तालुका	जिला	म.सं.	हि.नं.	गट नं.	क्षेत्र		
							हे	भार	सेटीयर
10	11	12	13	14	15	16	17	18	
1.	अजियली	पनवेल	रायगढ़	70	0 पैकी—	00	01	00	

[म. पी-32015/12/90-बित]

का.आ. 565.--यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3097 तारीख 1-11-1990 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का महाराष्ट्र राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड, रिफाइनरी, माहूल, बम्बई से कोरा ग्राम तक (पातालगंगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगढ़, राज्य महाराष्ट्र) तथा कोरा ग्राम में माहूल, बम्बई तक निकास के परिवहन के लिए दो पाइपलाइन चेशर पातालगंगा पाइपलाइन्स लिमिटेड बम्बई द्वारा बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, यतः उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से चेशर पातालगंगा पाइपलाइन्स लिमिटेड, बम्बई में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

भारत पेट्रोलियम कारपोरेशन लिमिटेड, माहूल, बम्बई से कोरा ग्राम तक पातालगंगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगढ़, राज्य महाराष्ट्र पाइपलाइन बिछाने के लिए

ग्राम	सर्वे नं. गट नं.	हिस्सा नं.	क्षेत्र हैक्टर-भार-सेटीयर
ग्राम-बिहल	60	5 पैकी	00-01-20
तालुका-पनवेल	60	24 पैकी	00-01-35
जिला-रायगढ़	60	24 पैकी	00-01-30
राज्य-महाराष्ट्र	74	2 पैकी	00-02-58
	73	64 पैकी	00-05-00
	73	64 पैकी	00-04-60
	73	2 पैकी	00-00-75
	77	4 पैकी	00-01-75
	77	2 पैकी	00-00-50
	77	3 पैकी	00-05-70
	79	2 पैकी	00-02-46
	79	3 पैकी	00-01-35
	79	1 पैकी	00-03-22
	86	1 पैकी	00-00-45
	83	4 पैकी	00-03-60
	83	3 पैकी	00-02-40
	84	3 पैकी	00-03-00
	84	6 पैकी	00-00-75
	84	24 पैकी	00-02-58
	84	1 पैकी	00-03-00
	135	1 पैकी	00-06-36

1	2	3	4
	135	2 पैकी	00-05-40
	133	3 पैकी	00-01-50
	131	4 पैकी	00-03-00
	131	5 पैकी	00-00-25
	131	2 पैकी	00-03-90
	130	1 (3) पैकी	00-02-88
	130	(1) 1 पैकी	00-04-20
	130	1 (2) पैकी	00-00-75
	129	2अ पैकी	00-00-75
	129	2ब पैकी	00-01-68

[सं. पी.-32115/15/90-वित्त]

S.O. 565.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3097 dated 1-11-1990 under sub-section (1) of Section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), The Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha/its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul, Bombay to village Karala in Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And, whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances.

SCHEDULE

Pipelines from Refinery of Bharat Petroleum Corporation Ltd., Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in Maharashtra State.

Village	S. No./ Gat No.	Hissa No.	Area Hector- Arc- Centiare
Village Chikhale	60	5 Part	00-01-20
Taluka Panvel	60	2A Part	00-01-35
District Raigad	60	2B Part	00-01-30
State Maharashtra	74	2 Part	00-02-58
	73	6 A Part	00-05-00
	73	6B Part	00-04-60
	73	2 Part	00-00-75
	77	4 Part	00-01-75
	77	2 Part	00-00-50
	77	3 Part	00-05-70
	79	2 Part	00-02-46
	79	3 Part	00-01-35
	79	1 Part	00-03-22
	86	1 Part	00-00-45
	83	4 Part	00-03-00

1	2	3	4
		83	3 Part
		84	3 Part
		84	6 Part
		84	2B Part
		84	1 Part
		135	1 Part
		135	2 Part
		133	3 Part
		131	4 Part
		131	5 Part
		131	2 Part
		130	1(3) Part
		130	1(1) Part
		130	1(2) Part
		129	2A Part
		129	2B Part

[No. P-32015/15/90-Dist.]

का.या. 566.—यत्. पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.या. सं. 3099 तारीख 1-11-1990 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का महाराष्ट्र राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड रिफाइनरी, माहुल, बम्बई से कैरा ग्राम तक (पातालगंगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगढ़, राज्य महाराष्ट्र) तथा कैरा ग्राम से माहुल, बम्बई तक नफ्था के परिवहन के लिये दो पाइपलाइन चेंबूर पातालगंगा पाइपलाइन्स लिमिटेड बम्बई द्वारा बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत् सन्तम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्टें दे दी हैं।

और आगे यत्. केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय चेंबूर पातालगंगा पाइपलाइन्स लिमिटेड, बम्बई में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगी।

अनुसूची

भारत पेट्रोलियम कारपोरेशन लिमिटेड, माहुल, बम्बई से कैरा ग्राम तक पातालगंगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगढ़, राज्य महाराष्ट्र पाइपलाइन बिछाने के लिए

ग्राम	सर्वे न. गट न.	हिस्सा न.	क्षेत्र-भार-सेन्टेयर
ग्राम-चिखले	72	0 पैकी	00-00-60
तालुका-पनवल			
जिला-रायगढ़			
राज्य-महाराष्ट्र			

[सं. पी-32015/17/90-वित्त]

S.O. 266—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3099 dated 1-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) The Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha/its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul, Bombay to village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And, whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances.

SCHEDULE

Pipelines from Refinery of Bharat Petroleum Corporation Ltd., Mahul, Bombay to Village Kaira in Patalganga Industrial Area, Taluka Khalapur, District Raigad in Maharashtra State.

Village	S. No./ Gat No.	Hissa No.	Area Hector- Are- Centiare
Village Vichumbe Taluka Panvel District Raigad State Maharashtra	72	0 Part	00-00-60

[No. P-32015/17/90-Dist.]

का आ 567—यत पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ म 3106 तारीख 1-11-1990 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना में मलन अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का महाराष्ट्र राज्य में भारत पेट्रोलियम कार्पोरेशन लिमिटेड रिकायलरी, माहुल, बम्बई से कैरा ग्राम तक (पातालगंगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगड, राज्य महाराष्ट्र) तथा कैरा ग्राम से माहुल, बम्बई तक नेफथा के परिवहन के लिए दो पाइपलाइन चेंबुर पातालगंगा पाइप लाइन्स लिमिटेड बम्बई द्वारा बिछाने के लिए अर्जन करने का अपना आशय घोषित कर दिया था।

और यत सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में मलन अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में मलन अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय चेंबुर पातालगंगा पाइपलाइन्स लिमिटेड बम्बई में, मनी बावअरो में सक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

भारत पेट्रोलियम कार्पोरेशन लिमिटेड, माहुल, बम्बई में कैरा ग्राम तक पातालगंगा औद्योगिक क्षेत्र, तालुका खालापुर, जिला रायगड, राज्य महाराष्ट्र पाइपलाइन बिछाने के लिए।

ग्राम	सर्वहन गट न	हिस्सा न	मिटी सर्वहनम्बर	क्षेत्र	सेटीयर
ग्राम--मडाले तालुका--कुर्ली जिला--बम्बई उपनगर जिला राज्य--महाराष्ट्र	९९	1 (1) पैकी	2 पैकी	00	05 00

[म फी-31015/24/90-वित]

महदेव राम अवर सचिव

S.O. 567.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3106 dated 1-11-1990 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) The Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines for the transport of Naphtha/its return stream from Refinery of Bharat Petroleum Corporation Limited, Mahul, Bombay to village Kaira in

Patalganga Industrial Area, Taluka Khalapur, District Raigad in the Maharashtra State to the Chembur Patalganga Pipelines Limited, Bombay;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted a report to the Government;

And, further, whereas the Central Government has, after considering the said report decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on the date of the publication of this declaration in the Chembur Patalganga Pipelines Limited free from all encumbrances.

SCHEDULE

Pipelines from Refinery of Bharat Petroleum Corporation Ltd., Mahul, Bombay to village Kains in Patalganga Industrial Area, Taluka Khalapur, District Raigad in Maharashtra State.

Village	S.No./Gat No.	Hissa No.	CTS No.	Area Hector-Are/Centiares
Village Mandale Taluka Panvel District Bombay Suburban District State Maharashtra	89	1(1) Part	2 Part	00-05-00

[No. P-32015/24/90-Dist],
SAHADEO RAM, Under Secy

जल-भूतल परिवहन मंत्रालय

(नौवहन पक्ष)

नई दिल्ली, 13 फरवरी, 1991

का. आ. 568:—नाविक भविष्य निधि योजना, 1966 के पैराग्राफ 3 के साथ पठित नाविक भविष्य निधि अधिनियम, 1966 (1966 का 4) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्-द्वारा भारत सरकार पूर्व जल-भूतल परिवहन मंत्रालय, जल-भूतल परिवहन विभाग (नौवहन पक्ष) की अधिसूचना सं. का. आ. 5757, दिनांक 11 दिसम्बर, 1985 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "अध्यक्ष" और "सदस्यों" के शीर्षकों और उनसे संबंधित प्रविष्टियों के लिए क्रमशः निम्नलिखित शीर्षक और प्रविष्टियां प्रतिस्थापित की जाएगी, अर्थात्:—
"अध्यक्ष"

नौवहन महानिदेशक, बम्बई ।

सदस्य

सरकार के प्रतिनिधि

1. सहायक वित्त मन्त्रालय,
जल-भूतल परिवहन मंत्रालय,
नई दिल्ली ।
2. निदेशक, जल-भूतल परिवहन मंत्रालय,
नई दिल्ली जो वार्षिक नौवहन प्रशासन,
जिसमें नाविक कल्याण शामिल है, की देख-रेख कर रहे हैं ।
3. नाविक कल्याण में संबंधित कार्यवाही कर रहे उप-महानिदेशक,
नौवहन, बम्बई ।

कर्मचारियों के प्रतिनिधि

4. अध्यक्ष, मालिकों/एजेंटों की समिति
(कुज) बम्बई ।
5. श्री एस. आर. आप्टे, भारतीय राष्ट्रीय जहाज मालिक एसोसिएशन ।
6. श्री ज. ई. डी. गुजा,
भारतीय राष्ट्रीय जहाज मालिक एसोसिएशन ।
नाविकों के प्रतिनिधि
7. डा. लियो बार्नेस,
नेशनल यूनियन आफ सी फेयरर्स आफ इंडिया, बम्बई ।
8. श्री यू. एम. अलमोडा,
नेशनल यूनियन आफ सी फेयरर्स आफ इंडिया, बम्बई ।
9. श्री अनिल बारनदास,
फारवर्ड सीमन्स यूनियन,
आफ इंडिया, कलकत्ता ।

[फाईल सं. एस. टी.-14018/7/90-एम टी]

के. पदमानाभाचार, अवर सचिव

पाद टिप्पणी:—मुख्य अधिसूचना का. आ. सं. 5757 दिनांक 11 दिसम्बर, 1985 के तहत प्रकाशित की गई थी ।

MINISTRY OF SURFACE TRANSPORT

(Shipping Wing)

New Delhi, the 13th February, 1991

S.O. 568.—In exercise of the powers conferred by section 5 of the Seamen's Provident Fund Act, 1966 (4 of 1966) read with paragraph 3 of the Seamen's Provident Fund Scheme, 1966, the Central Government hereby makes the following amendments in the notification of the Government of India in the late Ministry of Transport, Department of Surface Transport (Shipping Wing), No. S.O. 5757 dated the 11th December, 1985, namely:—

In the said notification for the headings "Chairman" and "Members" and the entries relating thereto, the following headings and entries shall respectively be substituted, namely:—

"Chairman"

The Director General of Shipping, Bombay.
Members.
Government Representatives.

1. Assistant Financial Adviser,
Ministry of Surface Transport,
New Delhi.
2. Director, Ministry of Surface
Transport, New Delhi, looking
after Mercantile Marine Adminis-
tration, which includes
Seamen's Welfare.
3. Dy. Director General of Shipping,
Bombay, dealing with Seamen's
Welfare.

Employer's Representatives.

- 4 The Chairman, Owners/Agents'
Committee (Crews), Bombay.
5. Shri S. R. Apte, Indian National
Shipowners' Association.
- 6 Shri J.F. D'Souza,
Indian National Shipowners' Association

Seamen's Representatives.

7. Dr. Leo Barnes,
National Union of Seafarers
of India, Bombay.
8. Shri U. M. Almeida,
National Union of Seafarers
of India, Bombay.
9. Shri Anil Baran Das,
Forward Seamen's Union of
India, Calcutta.

[File No. ST-14018/7/90-MT]

K. PADMANABHACHAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 29 जनवरी, 1991

का.आ. 569 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार उक्त अधिनियम की धारा 33-क के अंतर्गत तमिलनाडू सरकार स्टेट बैंक लिमिटेड के प्रबंधन के विरुद्ध श्रम की मोड़त श्रम द्वारा दायर एक प्रार्थना पत्र के संबंध में औद्योगिक अधिकरण, तमिलनाडू, मद्रास के पंचपट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 29-1-91 को प्राप्त हुआ।

MINISTRY OF LABOUR

New Delhi, the 29th January, 1991

S.O. 569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Tamil Nadu Madras in respect of a complaint u/s 33-A of the said Act filed by Thiru V. Mohandhas against the management of Tamil Nadu Mercantile Bank Ltd. which was received by the Central Government on 29-1-1991.

342 GI/91 9

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU MADRAS

Thursday, the 10th day of January, 1991
Complaint No. 12 of 1989

V Mohandhas, C/o the General Secretary, Tamil Nadu
Mercantile Bank Employees Union, Kanjampuram,
P'n 629154, Kanyakumari Dist. Complainant

Versus

The Management, Tamil Nadu Mercantile Bank Ltd.,
Tuticorin, Chthambanar Dist. Opposite Party

In the matter of reference in Industrial Dispute No. 119 of
1987

Complaint under Section 33 A of the Industrial Disputes Act,
1947

This Complaint coming on this day for final disposal in the presence of Thiru K. L. S. Santhanam, Authorised Representative for the Complainant and of Thiru M. Flomalai, Advocate appearing for the Opposite Party upon perusing the Complaint, counter and other connected papers on record and the complainant having filed a memo for withdrawing the Complaint, this Tribunal passed the following :

AWARD

This Complaint is filed under Section 33-A of the Industrial Disputes Act, 1947 by Thiru V. Mohandhas Supervisor against the transfer order issued by the Opposite Party, Tamil Nadu Mercantile Bank Limited, Tuticorin.

2. Parties were served with notice.

3. The Opposite Party has filed a Counter statement on 13-3-90 denying the allegations made in the Complaint.

4. On 6-12-90, the Complainant has filed a memo praying to withdraw the Complaint. The statement of the complainant was also recorded on 6-12-90 regarding withdrawal of the Complaint.

5. In view of the memo and the complainant's statement recorded in this Court on 6-12-90 this Complaint is dismissed as withdrawn.

Dated, this 10th day of January, 1991.

THIRU M. GOPAL ASWAMI, Industrial Tribunal

[No. L-12015/2/91-IR (B-III)]

नई दिल्ली, 31 जनवरी, 1991

का.आ. 570 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-91 को प्राप्त हुआ था।

New Delhi, the 31st January, 1991

S.O. 570.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen which was received by the Central Government on the 30th January, 1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGT.JC(R)(169) 1990

PARTIES :

Employers in relation to the management of State Bank of India, Civil Line Branch, Jabalpur-482001.

AND

Their workman, Shri Munnalal S/o Shri Moti Lal Kewat, Ex-Messenger-cum-Waterman C/o Shri D. P. Tiwari, State Bank of India Staff Congress (INTUC) 5/235, Pragati State Bank Staff Colony, Krishnapur Mandi, Vikasnagar, Jabalpur (M.P.).

APPEARANCES :

For workman—Shri D. P. Tiwari.

For Management—None.

INDUSTRY : Banking. DISTRICT : Jabalpur (M.P.).

AWARD

Dated : January 14, 1991

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. L-12012/65/90-IR(B-3) dated 20th July, 1990, for adjudication of the following dispute :

"Whether the stoppage from work with effect from 28th November, 1986 of Shri Munnalal S/o Motilal Kewat, Ex-Messenger/Waterman by the management of State Bank of India, Civil Line Branch, is justified? If not, to what relief the workman concerned is entitled?"

2. The case of the workman in brief is that the workman was employed temporarily for cleaning Almirahs and furnitures and was to carry the books, ledgers, vouchers from one table to another. He used to serve water to the staff as well as the customers. Thus he was to work from 9.30 A.M. to 6.30 P.M.

3. Another workman Shri. Subhash Kumar Purohit was also employed for the similar job. His appointment was made after interview on 8th April, 1986 through Employment Exchange. He became entitled to be regularised after six months period of service but instead of regularising him he was stopped from work with effect from 28th November, 1986 saying that his services are no more required. Thereafter one Mukesh Tiwari and others were employed on the same post and removed from service.

4. On 1st August, 1988 there was an advertisement in Nai Dunia Indore referring to a Bipartite Settlement dated 17th November, 1988 for filling up the vacancies showing that such posts were lying vacant since prior to 17th November, 1987. Obviously, the workman concerned and other workman were not employed in violation of the principles of natural justice. He was not given any letter of termination from service. He was not given compensation. His removal from service is illegal and therefore he is entitled to reinstatement with all back wages and consequential reliefs.

5. Reference was made on 30th July, 1990. A copy of this reference was sent to the management. This reference was registered by this Tribunal on 21st July, 1990 and notices were issued. But despite notices management failed to appear on 1st October, 1990, then on 17th October, 1990 and thereafter on 3rd January, 1991. The case proceeded ex-parte against the management on 17th October, 1990.

6. Shri D. P. Tiwari who was appearing on behalf of the workman informed that he had personally served the statement of claim and the list of documents to the management but the management refused to accept the same. Obviously this Court was left with no option but to proceed ex-parte against the management, which it did.

7. The workman filed his own Affidavit in support of his case and also proved six documents which have been marked as Ex. W/1 to Ex. W/6.

8. Ex. W/1 is the copy of the certificate issued by the management according to which the workman served as temporary Messenger from 8th April, 1986 to 21st June, 1986. Ex. W/2 is photocopy of voucher according to which Rs. 340.50 P. were paid to the workman on 31st October, 1986. As per Ex. W/3 the workman was paid Rs. 276 for work of 23 days. Ex. W/4 is a copy of letter of the management dated 26th September, 1989 according to which he was employed for filling water for a period of 1-1/2 hour on contract upto 28th November, 1986. It appears from this letter that he was stopped from work because his work was not satisfactory. Ex. W/5 is a copy of letter of the workman addressed to the management saying that he has not been paid for holidays and Sundays which fell during the period he worked.

9. Uncontroverted affidavit of the workman shows that he was employed as Messenger with effect from 8th April, 1986 and his services were terminated with effect from 28th November, 1986 without any rhyme or reason. He was a temporary employee but according to his affidavit not only his arrears were not paid to him but he was paid less. This witness has stated that after his termination from service one Mukesh was employed in his place. This fact has been pleaded by the workman in para 4 of the statement of claim. There is no proof of the fact that there was some advertisement in Nai Dunia or that he applied for that post, but the fact that emerge out from the evidence and the record are as follows :—

1. The workman was employed as Messenger by the Bank through the Employment Exchange after interview on 8th April, 1986.
2. He was stopped from work with effect from 28th November, 1986 without assigning any reason.
3. After his termination from service one Mukesh was appointed on his post in violation of the provisions of Sec. 25H of the I.D. Act.

Workman is, therefore, entitled to reinstatement from the date of publication of the award on the post of Messenger with no order as to costs and without any consequential benefits. Reference is accordingly answered as follows :—

That the action of the management of State Bank of India, Civil Line Branch, Jabalpur in stopping Shri Munnalal S/o Shri Motilal Kewat, Ex-Messenger/Waterman, from work with effect from 28th November, 1986 is not justified. He is entitled to reinstatement in service from the date of publication of award without any back wages and consequential benefits. No order as to costs. Award is made accordingly.

V. N. SHUKLA, Presiding Officer
[No. L-12012/65/90-IR (B-III)]

नई दिल्ली, 8 फरवरी, 1991

का.आ. 571 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स महाराष्ट्र स्टेट माइनिंग कारपोरेशन लि., नागपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (म.प्र.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-1-91 को प्राप्त हुआ था।

New Delhi, the 8th February, 1991

S.O. 571.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in

the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Maharashtra State Mining Corporation Ltd., Nagpur and their workmen, which was received by the Central Government on the 30th January, 1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGITC(R)(80)/1986

PARTIES :

Employers in relation to the management of M/s. Maharashtra State Mining Corporation Limited, Nagpur (M.S.).

AND

Their workman Shri T. L. Wadhai, Clerk represented through the Maharashtra Rajya Khadan Karamchari Sangh, Parvana Bhawan, 44, Kingsway, Nagpur-440001.

APPEARANCES :

For Workman—Shri Manohar Deshpkar.

For Management—Shri Govind Mishra, Advocate.

INDUSTRY : State Mining Corporation.

DISTRICT : Nagpur (M.S.).

AWARD

Dated : January 15, 1991

By Notification No. L-29012/74/84-D. III(B) dated 13th October, 1986 the Central Government in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the management of M/s. Maharashtra State Mining Corporation Limited Nagpur in relation to their Jamgaon Kyanite Mine in terminating the services of Shri T. L. Wadhai, Clerk w.e.f. 29th September, 1984 is justified? If not, to what relief is the workman concerned entitled?"

2. In this case both the parties have filed their pleadings and documents and the case was at the stage of adducing evidence by the parties, on 24th October, 1988 the representative of the management Shri Varma stated that the settlement in the case is in progress and sought adjournment to file the settlement. Thereafter parties took several dates in arriving at a mutual settlement. But ultimately counsel for the parties have stated on 18th January, 1991 that they have no dispute so far the question of reinstatement of the workman as also the continuity of his service is concerned. The only dispute is regarding the back wages. Parties have stated the back wages of the workman comes to Rs. 8000 and left the matter to be decided by the Court in this regard. After hearing the parties the Court decided and ordered before the parties that the management shall pay half back wages i.e. Rs. 4000 to the workman concerned to which the parties raised no objection.

3. In view of the above statement by parties, I record my award as under :—

That the management shall reinstate the workman concerned with effect from 29th September, 1984 as Clerk with continuity of service but without back wages. However, the management shall pay to the workman concerned a sum of Rs. 4000 in lieu of back wages. No order as to costs. Reference is answered accordingly.

15-1-1991.

V. N. SHUKLA, Presiding Officer
[No. L-29012/71/84-D. III(B)]
S. C. SHARMA, Desk Officer

नई दिल्ली, 30 जनवरी, 1991

का.आ. 572.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे बीकानेर के प्रबंधन के संबंध में निम्नलिखित

और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, बीकानेर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-91 को प्राप्त हुआ था।

New Delhi, the 30th January, 1991

S.O. 572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bikaner as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Bikaner and their workmen, which was received by the Central Government on 28th January, 1991.

परिशिष्ट

औद्योगिक विवाद अधिकरण, बीकानेर

केन्द्रीय औद्योगिक विवाद प्रसंग सं. 5 मन् 1988

रेलवे कैंजुअल लेबर यूनियन, बीकानेर

—प्रार्थी/यूनियन

बनाम

1. जनरल मैनेजर, नोर्दन रेलवे मुख्यालय बड़ौदा हाऊस, नई दिल्ली।

2. मण्डल कार्मिक अधिकारी, नोर्दन रेलवे, बीकानेर

3. मण्डल यांत्रिक अभियन्ता, नोर्दन रेलवे, बीकानेर

4. लोको फोरमैन, नोर्दन रेलवे, लालगढ़ (बीकानेर)

—विपक्षी/नियोजक

प्रसंग अन्तर्गत धारा 10 (1) (घ)

औद्योगिक विवाद अधिनियम, 1947

उपस्थिति

न्यायाधीश—श्री पी. एस. शुक्ला, आर. एच. जे. एस.

1. श्री भतरसिंह सेंगर, अधिकृत प्रतिनिधि यूनियन की ओर से

2. श्री धर्मेसिंह, अधिवक्ता नियोजक की ओर से.

प्रवाद

दिनांक : 5 नवम्बर, 1990

श्रम मंत्रालय, भारत सरकार के आदेश सं. एफ.

41811/26/87/डी 2 (वि) दिनांक 22-7-88 के द्वारा यह प्रसंग औद्योगिक विवाद अधिनियम की धारा 10 (1) (घ) के अन्तर्गत निर्णय हेतु प्रेषित किया गया है :—

"क्या उत्तरी रेलवे, बीकानेर के प्रबंधन की तारीख 1-9-86, 7-9-86, 6-10-86, 6-10-86 तथा 1-9-86 से 5 कर्मचारियों, सर्वश्री रामेश्वर सिंह, किशनलाल, इफ्तीखार अहमद सवर्ण सिंह तथा उगमसिंह की सेवाओं समाप्त करने की कार्रवाई न्यायोचित है? यदि नहीं तो उक्त कर्मचारियों किम अनुपेक्षा के हकदार हैं?"

2. प्रार्थीय की ओर से यूनियन द्वारा प्रस्तुत क्लेम का सारांश यह है कि श्रमिक रामेश्वर सिंह, 6-8-75 से 29-11-80 तक रेल पथ निरीक्षक, उत्तरी रेलवे, बीकानेर के अन्तर्गत तथा दिनांक 2-7-1984 से 31-8-86 तक लोको फोरमैन, बीकानेर के अन्तर्गत कार्य करता रहा और दिनांक 1-1-86 से उसको संशोधित वेतनमान भी प्राप्त

हुआ किन्तु उसकी सेवायें 1-9-86 से मौखिक रूप से लोको फोरमैन द्वारा समाप्त कर दी गई। श्रमिक किशन लाल 29-6-78 से कार्य निरीक्षक उत्तरी रेलवे, बीकानेर के अधीन और दिनांक 1-10-81 से लोको शेड, बीकानेर में कार्यरत रहा और उसको भी 1-1-86 से संशोधित वेतनमान प्रदान किया गया किन्तु 7-9-86 से उसकी सेवायें मौखिक रूप से समाप्त की गई। श्रमिक इफ्तीखार अहमद 7-5-78 से लोको शेड, बीकानेर में कार्यरत था और 1982 से वेतनमान और 1-1-86 में संशोधित वेतनमान प्रदान किया गया किन्तु उसकी सेवायें 6-10-86 से मौखिक रूप से समाप्त की गई। इसी प्रकार श्रमिक सवर्णसिंह दिनांक 5-6-77 से कार्य निरीक्षक, बीकानेर के अधीन व दिनांक 23-11-81 से 5-10-86 तक लोको शेड, बीकानेर में कार्य करना प्रकट करते हुए यह पक्ष रखा गया कि उसको वेतनमान प्रदान किया गया और 1-1-86 से संशोधित वेतनमान भी प्रदान किया गया किन्तु मौखिक रूप से उसकी सेवायें 6-10-86 को समाप्त कर दी गई। श्रमिक उगम सिंह 10-8-77 से रेल पथ निरीक्षक, उत्तरी रेलवे, बीकानेर एवं दिनांक 19-7-83 से लोकोशेड, बीकानेर में कार्यरत रहा उसको भी वेतनमान और संशोधित वेतनमान प्रदान किया गया किन्तु उसकी सेवायें दिनांक 1-9-86 से मौखिक रूप से समाप्त कर दी गयी। इस प्रकार इन सब श्रमिकों को एक कलैण्डर वर्ष में 240 दिनों से अधिक लगातार कार्य करने वाले औद्योगिक कर्मकार होना प्रकट किया गया और यह पक्ष रखा गया कि इन कर्मचारियों की सेवायें अनधिकृत रूप से समाप्त की गई हैं, जिन्हें एक माह का नोटिस अथवा नोटिस वेतन प्रदान नहीं किया गया, छंटनी क्षतिपूर्ति नहीं प्रदान की गई, कर्मचारियों की वरिष्ठता सूची घोषित भी नहीं की गई। भारत सरकार को छंटनी की सूचना नहीं दी गई और "पहले आये पीछे जाये" सिद्धान्त की पालना भी नहीं की गई। विपक्षीयों की ओर से प्रस्तुत किये गये जवाब में सभी श्रमिकों की सेवाओं के सम्बन्ध में पृथक-पृथक पक्ष रखा गया और उनकी सेवायें समय-समय पर ली जाती रही किन्तु यह पक्ष रखा गया कि उन्होंने लगातार कार्य नहीं किया। यह स्वीकार किया गया कि इन श्रमिकों को संशोधित वेतनमान प्रदान किया गया किन्तु यह पक्ष रखा गया कि प्रार्थीगण की सेवायें मौखिक आदेश से समाप्त नहीं की गई। रामेश्वरसिंह के सम्बन्ध में यह पक्ष रखा गया कि आगे सेक्शन नहीं प्राप्त होने पर उसको कार्य पर उस समय नहीं लगाया जा सका गया। किन्तु बाद में समय समय पर कार्य उपलब्ध होने पर उसको फिर लगाया गया। श्रमिक इफ्तीखार के सम्बन्ध में यह पक्ष रखा गया कि वह अभी भी आर.आर. बीयरर के तौर विपक्षी के यहां कार्यरत है। श्रमिक सवर्णसिंह के बारे में एवजी वाटरमैन के पद पर कार्यरत होना वर्णित किया गया और उगमसिंह के सम्बन्ध में यह पक्ष रखा गया कि बरीयता के अनुसार उसकी सेवायें समय समय पर ली जाती रही हैं। सभी कर्मचारियों का एक कलैण्डर वर्ष में 240 दिन से अधिक काम करने वाले श्रमिक होना अस्वीकार

किया गया और उनकी सेवायें अनधिकृत रूप से समाप्त किया जाना भी अस्वीकार किया। विपक्षीयों का यह पक्ष है कि प्रार्थी कर्मकारों को नियत समय के लिये कार्य पर लगाया था और उनको लगाने समय बता दिया जाता था कि उक्त निश्चित समय के लिये ही उनसे कार्य लिया जाता रहा और उक्त अवधि समाप्त होने पर आपकी सेवायें स्वतः ही समाप्त हो जावेंगी। इस प्रकार कर्मकारों को लगाने समय नोटिस दिया जाता रहा। यह भी पक्ष रखा गया कि और कार्य की स्वीकृति आने पर फिर लगाया जाता था और फिर उनको लगाने समय बता दिया जाता था कि कार्य की नियत अवधि जो कार्य के लिये स्वीकृत हुई है, उस अवधि तक ही कार्य लिया जा रहा है और उसके समाप्त होने के साथ ही साथ उनकी सेवायें भी स्वतः समाप्त हो जावेंगी। इस प्रकार श्रमिकों को नोटिस देने अथवा छंटनी क्षतिपूर्ति देने की आवश्यकता न होना वर्णित किया गया। यह भी पक्ष रखा गया कि श्रमिकगण उक्त अवधि के बाद भी कार्य पर लगे हैं जिससे वे अपना क्लेम स्वयं ही छोड़ (Waive कर) चुके हैं।

3. इस प्रकार उपर्युक्त क्लेम तथा उत्तर क्लेम के आधार पर निम्न विचारण बिन्दु उत्पन्न होते हैं :—

1. क्या श्रमिकगण एक कलैण्डर वर्ष में 240 दिनों से अधिक निरन्तर कार्य कर लेने के कारण औद्योगिक कर्मकार हैं ?
2. क्या इस प्रकरण में अधिनियम की धारा 25-जी. की अनुपालना नहीं की गई है ?
3. श्रमिकगण किस प्रतिकार के अधिकारी हैं ?
4. उपर्युक्त बिन्दुओं को सिद्ध करने हेतु प्रार्थी यूनियन की ओर से रामेश्वर सिंह डब्ल्यू. डब्ल्यू. 1, इफ्तीखार अहमद डब्ल्यू. डब्ल्यू. 2, किशनलाल डब्ल्यू. डब्ल्यू. 3, सवर्ण सिंह डब्ल्यू. डब्ल्यू. 4 और उगमसिंह डब्ल्यू. डब्ल्यू. 5 साक्षीगृह में प्रस्तुत हुए हैं। विपक्षीयों की ओर से दयासिंह एम. डब्ल्यू. 1 साक्षीगृह में प्रस्तुत हुए हैं। पक्षकारों ने कुछ प्रपत्र भी प्रस्तुत किये हैं। इन साक्ष्यावलोकन एवं पक्षकारों के तर्क श्रवण के पश्चात् प्रत्येक बिन्दु पर मेरे विचारित निष्कर्ष निम्न प्रकार है :—

बिन्दु सं. 1

5. यूनियन का यह स्पष्ट पक्ष है कि एक कलैण्डर वर्ष में 240 दिन से अधिक कार्य करने के आधार पर वे लगातार कार्य करने वाले औद्योगिक कर्मकार हो गये हैं। विपक्षी की ओर से साक्ष्य में प्रस्तुत दयासिंह एम. डब्ल्यू. 1, ने अपने कथन में यह स्वीकार किया है कि श्रमिक रामेश्वरसिंह ने 1-9-85 से 1-9-86 तक 269 दिन, किशनलाल ने 7-9-85 से 7-9-86 तक 311 दिन, इफ्तीखार अहमद ने 6-10-85 से 6-10-86 तक 338 दिन, एवम् सवर्णसिंह ने 6-10-85 से 6-10-86 तक

309 दिन कार्य किया है। इस प्रकार साक्ष्य दयासिंह के आधार पर यह स्थिति अत्यन्त स्पष्ट हो जाती है कि इन चारों श्रमिकों के 240 दिन से अधिक कार्यदिवस हो चुके थे। माक्षी दयासिंह ने उगमसिंह श्रमिक को वि. 1-9-85 से 1-9-86 तक 183 दिन कार्य करना ही बताया है।

6. साक्षी दयासिंह ने यह भी स्वीकार किया है कि रामेश्वर सिंह की 31-8-86, किशनलाल की 7-9-86, इफ्तीखार अहमद की 6-10-86, श्रवणसिंह की 6-10-86 तथा उगमसिंह की 1-9-86 से सेवायें समाप्त कर दी गयी थी। इस प्रकार यह भी सिद्ध है कि सभी श्रमिकों की सेवायें समाप्त कर दी गयी हैं।

7. यूनियन का यह पक्ष है कि इस प्रकार एक कलेंडर वर्ष में चार श्रमिकों रामेश्वरसिंह, किशनलाल, इफ्तीखार अहमद और श्रवणसिंह की सेवायें 240 दिनों से अधिक हो जाने से वे धारा 25-एफ. का संरक्षण प्राप्त करने के अधिकारी हो जाते हैं और यदि उनकी सेवायें समाप्त की जाती हैं तो धारा 25-एफ की अनुपालना की जानी अपेक्षित है। श्रमिक उगमसिंह के सम्बन्ध में इस बिन्दु के अन्तर्गत कोई पक्ष नहीं रखा गया। उपर्युक्त चार श्रमिकों की ओर से यह पक्ष रखा गया कि यदि किसी भी कारण सेवा समाप्त की जाती है तो वह छंटनी की परिधि के अन्तर्गत ही आयेगी जब तक कि धारा 2(00) में बताये गये अपवादों के अधीन न हो। इस सम्बन्ध में पंजाब सैण्ड डेवलपमेण्ट एण्ड रीक्लेमेशन कॉर्पोरेशन बनाम प्रेजाईडिंग आफिसर, लेबर कोर्ट चण्डीगढ़—1990 यू.जे. (सुप्रीम कोर्ट) 293 पर आधारित किया है। यह भी पक्ष रखा गया है कि जब उनकी सेवा समाप्ति छंटनी की परिधि में आती है तो धारा 25-एफ. की अनुपालना न किया जाना सेवा समाप्ति को दूषित कर देता है और वे अपने को (1) 1984 लेब.आई.सी. 1794 पृष्ठ 1829, (2) ए.आई.आर. 1986 (सुप्रीम कोर्ट) पृष्ठ 132, (3) 1978 डब्ल्यू.एन.एन. (यू.सी.) 223 और (4) 1988 (ii) आर.एल.आर. 272 पर आधारित करते हैं। इसके विरुद्ध विपक्षीय पक्ष का यह पक्ष है कि श्रमिकगण का यह मामला अधिनियम की धारा 2 (00) की उप-धारा (बी) के अन्तर्गत आता है और इस मामले में धारा 25-एफ. के प्रावधान प्रभावशील ही नहीं हैं। विपक्षीय पक्ष के अभिभाषक यह तर्क करते हैं कि श्रमिकों को नियत समय के लिये नियत समय के कार्य पर ही लगाया गया था उनको लगाने समय बता दिया जाता था कि उनके उक्त समय की अवधि के लिये ही लगाया जा रहा है एवं उक्त अवधि समाप्त होने पर उनकी सेवा स्वतः ही समाप्त हो जावेगी। इस प्रकार उनको समय-समय पर लगते समय ही नोटिस दिया जाता रहा है। उसी प्रकार उनको लगाने समय बता दिया जाता था कि उनको उस कार्य पर नियत अवधि जो उस कार्य के लिये स्वीकृत हुई है उसी समय तक के लिये लगाया जा रहा है और उसके समाप्त होने के साथ साथ ही उनकी सेवायें स्वतः ही समाप्त हो

जावेगी। इस कारण उनकी सेवायें समाप्त नहीं की गई थी और न अलग से कोई नोटिस देने की आवश्यकता थी और न रिट्रैचमेण्ट का कम्पनसेशन ही देने की आवश्यकता थी।

8. माक्षी दयासिंह एम.डब्ल्यू. 1 ने यह बताया है कि कैज्युअल लेबर की सैक्शन डिविजनल आफिस करता है और टी.एल.एस. समाप्त हो जाता है तो श्रमिक की सेवा समाप्त करते हैं। किन्तु उसने यह स्वीकार किया है कि टी.एल.एस. समाप्त हुआ और सेवा समाप्त की इसके पूर्व एक माह का नोटिस अथवा नोटिस के बदले वेतन व छंटनी का सूआवजा नहीं दिया। यद्यपि उसने यह कहा कि जिस दिन नौकरी में रखते हैं उसी दिन उसका अंगूठा लगवा लेते हैं एवं बता देते हैं कि टी.एल.एस. की स्वीकृति कब तक है। किन्तु उसने स्वीकार किया है कि मास्टररोल की कापी कर्मचारी को नहीं दी जाती है। ऐसा आदेश अथवा कोई प्रमाण भी पेश नहीं किया गया है जिससे यह प्रकट हो कि श्रमिकों को बता दिया गया था कि उन्हें एक निश्चित अवधि के लिये अनुबन्ध पर ही नियुक्त किया जाता रहा। धारा 2(00) (बी.बी.) यह प्रावधान करती है कि जहां श्रमिक की सेवा समाप्ति उसके अनुबन्ध को नवीकरण न किये जाने के आधार पर हो और ऐसी सेवा-समाप्ति अनुबन्ध के आधार पर हो तो उसकी सेवा समाप्ति "छंटनी" में नहीं आ सकेगी। इससे यह प्रकट होता है कि इस धारा के प्रावधान आकृष्ट करने से पूर्व यह अपेक्षा है कि यह साबित हो कि श्रमिक व नियोजक के मध्य कोई संविदा थी अथवा अनुबन्ध था और कथित सेवा समाप्ति उस अनुबन्ध की समाप्ति पर उस अनुबन्ध की शर्तों के अनुसार की गई हो और उस अनुबन्ध का नवीकरण न किया गया हो। किन्तु, ये सब तथ्य इस प्रकरण में विपक्षी-गण किसी भी प्रकार स्थापित करने में असमर्थ रहे हैं। मात्र यह कह देने से कि श्रमिक की सेवा में लगाने समय ही यह बता दिया जाता था कि उसे नियत समय के लिये लगाया गया है, ही पर्याप्त नहीं है। एम.डब्ल्यू. 1 दयासिंह यह स्वीकार करता है कि डिविजनल आफिस व कर्मचारियों के बीच कोई समझौता नहीं था और यह वह भी स्वीकार करता है कि ऐसा कोई समझौता नहीं हुआ था कि किस तारीख को हटाया जायेगा। उसका यह भी कहना है कि मास्टररोल की कापी नहीं दी जाती थी जिससे यह प्रकट है कि पक्षकारों के मध्य ऐसा कोई अनुबन्ध ही नहीं हुआ था। जबकि इस प्रकरण में सर्वप्रकार से यह सिद्ध है कि इन चारों प्रार्थी श्रमिकों ने एक कलेंडर वर्ष की अवधि में 240 दिनों से अधिक सेवा कर ली थी और जब उनकी सेवा समाप्ति की गई है तो ऐसी सेवा समाप्ति 1990 यू.जे. (सुप्रीमकोर्ट) 293 के अनुसार केवल छंटनी की परिधि में आती है, इस प्रकार छंटनी की गई है तो धारा 25-एफ. के प्रावधान स्वयं ही प्रभावशील हो जाते हैं। जैसा कि 1984 लेब.आई.सी. 1794 पृष्ठ 1829, ए.आई.आर. 1986 (सुप्रीम कोर्ट) पृष्ठ 132, 1978

डब्ल्यू.एल.एन. (यू.सी.) 223 और 1988 (++) आर.एल.आर. 272 में अभिनिर्णित किया गया है। इस प्रकरण में एम.डब्ल्यू. 1 दयासिंह के अनुसार यह स्वीकृत स्थिति है कि इन चार श्रमिकों को सेवा समाप्ति के पूर्व कोई नोटिस नहीं दिया गया, नोटिस के बदले में वेतन छंटनी का मुआवजा नहीं दिया गया तो यह भी भली प्रकार सिद्ध है कि इस प्रकरण में इन चार श्रमिकों के सम्बन्ध में धारा 25-एफ. की अनुपालना किसी भी प्रकार नहीं की गयी है जिससे उनकी सेवा समाप्ति का आदेश दूषित है।

9. विपक्षी अभिभाषक ने 1987 (+) एल. एल. जे. 141 (मद्रास) इंगलिश इलैक्ट्रिक कं. आफ इण्डिया लिमिटेड बनाम इण्डस्ट्रियल ट्रिब्युनल मद्रास व अन्य पर आधारित किया है जिसमें यह अभिनिर्णित किया है कि कैज्युअल श्रमिक को समय समय पर काम उपलब्ध न कराया जाना उसकी छंटनी की परिधि में नहीं आता है।

10. किन्तु, अपर विस्तार से विवेचन किया गया है जिसके अनुसार इन चार श्रमिकों ने 240 दिन सेवा कार्य किया है और उनकी सेवा समाप्ति के पूर्व उन्हें वैधानिक नोटिस नहीं दिया गया है। ये चार श्रमिक दिनांक 1-1-86 से संशोधित वेतन मान प्राप्त 240 दिनों से अधिक एक कलेण्डर वर्ष में कार्य करने वाले श्रमिक थे, जिनकी सेवा समाप्ति 1990 (यू. जे.) (सुप्रीमकोर्ट) 293 के अनुसार छंटनी की परिधि में आती है जहाँ धारा 25-एफ. की अनुपालना किया जाना अभिष्ट है। फलस्वरूप विपक्षी अभिभाषक का यह तर्क मेरे समक्ष निष्फल रहता है। परिणाम यह है कि यह बिन्दु सकारात्मक रूप में चार श्रमिकों—रामेश्वरसिंह, किशनलाल, इफ्तीखार अहमद और श्रवणसिंह के पक्ष में अभिनिर्णित किया जाता है।
बिन्दु सं. 2

11. यूनियन की ओर से इस बिन्दु के अंतर्गत दोहरा पक्ष प्रस्तुत किया गया है। प्रथम कि उपर्युक्त चार श्रमिकों के सम्बन्ध में धारा 25-जी के प्रावधान की अनुपालना नहीं की गयी है और पांचवें श्रमिक उगमसिंह के सम्बन्ध में धारा 25-जी की अनुपालना नहीं किए जाने से उसकी सेवासमाप्ति दूषित है।

12. दयासिंह एम. डब्ल्यू. 1 ने यह स्वीकार किया है कि हर महीने वरिष्ठता सूची डिविजन बाईज जारी नहीं की गई थी, हटाने से सात दिन पूर्व भी जारी नहीं की गयी थी। इसके उपरान्त भी विपक्षी अभिभाषक ने प्रदर्श एम. 1 के आधार पर यह तर्क प्रस्तुत किया है कि विभागीय वरिष्ठता सूची प्रकाशित की गई थी जिससे धारा 25-जी. के प्रावधान का किसी भी प्रकार उल्लंघन नहीं हुआ है।

13. प्रदर्श एम. 1 प्रोविजनल सिनियरटी लिस्ट कैज्युअल लेबरर्स की 31-8-84, जो लोको फोरमैन लालगढ़ द्वारा प्रचारित की गयी है, इस सिनियरटी लिस्ट में उगमसिंह का

नाम भी अंकित नहीं है। इस सिनियरटी लिस्ट को अनेक आधारों पर यूनियन के अधिकृत प्रतिनिधि ने विवादित किया है। उनका यह तर्क है कि यह सिनियरटी लिस्ट प्रोविजनल सिनियरटी लिस्ट नहीं है क्योंकि यह श्रमिकों के नियोजक द्वारा प्रचारित नहीं की गई है। इण्डियन रेलवे एस्टेब्लिश-मेण्ट मैन्युअल में नियम 2514 में "छंटनी" के बारे में नियम बताए गए हैं। इसके अनुसार वरिष्ठता सूची डिविजन के आधार पर बनाई जानी चाहिए। औद्योगिक विवाद नियमों के नियम 77 में यह प्रावधान है कि वरिष्ठता सूची नियोजक द्वारा बनाई जाएगी। धारा 2 (जी) नियोजक को परिभाषित करती है जिसके अनुसार विभागाध्यक्ष सरकार के मामलों में नियोजक होता है। ऐसी स्थिति में वरिष्ठता सूची विभागाध्यक्ष द्वारा डिविजन के आधार पर बनाई जानी चाहिए और लोको फोरमैन, लालगढ़ द्वारा प्रकाशित प्रदर्श एम. 1 वरिष्ठता सूची इस प्रावधान से परे है और इस प्रकार शून्य है। 1981 लेब. आ. सी. 1196 व 1984 लेब. आई. सी. 645 पर अपने को आधारित किया है और यह तर्क प्रस्तुत किया है कि वरिष्ठता सूची डिविजन के आधार पर बनाई जानी चाहिए और सेवा समाप्ति किए जाने के एक सप्ताह पूर्व नियम 77 के अन्तर्गत प्रकाशित की जानी चाहिए। ऐसी स्थिति में विपक्षी अभिभाषक प्रदर्श एम. 1 वरिष्ठता सूची के आधार पर कोई लाभ प्राप्त करने के अधिकारी नहीं है। जबकि एम. डब्ल्यू. 1 दयासिंह ने यह स्वीकार किया है कि हर महीने वरिष्ठता सूची डिविजन बाईज जारी नहीं की थी और हटाने से सात दिन पूर्व कोई वरिष्ठता सूची जारी नहीं की थी। ऐसी स्थिति में यह भली प्रकार स्थापित नहीं हो पाया है कि धारा 25-जी. की अनुपालना करते हुए "पहले आए पीछे जाए" सेवामुक्ति की गई हो।

श्रमिक उगमसिंह के सम्बन्ध में यह तर्क भी प्रस्तुत किया गया है कि धारा 25-एफ. के प्रावधान उसके सन्दर्भ में प्रभावशील न होने पर भी यह श्रमिक धारा 25-जी. का संरक्षण प्राप्त करने का अधिकारी है और यदि श्रमिक उगमसिंह के सम्बन्ध में वरिष्ठता सूची को ध्यान में न रखकर उसकी सेवा समाप्ति की गई है तो ऐसी सेवा समाप्ति धारा 25-जी. के उल्लंघन स्वरूप दूषित है। 1969 डब्ल्यू. एल. एन. (यू. सी.) 223 पर श्रमिक की ओर से आधारित किया गया है, जिसमें यह अभिनिर्णित किया गया है कि जहाँ धारा 25-एफ. के प्रावधान प्रभावशील न हो तब भी धारा 25-जी. के प्रावधान प्रभावशील हो जाते हैं तो भी इसके अन्तर्गत यह अपेक्षा है कि पक्षकारों के मध्य कोई विपरीत अनुबन्ध न होने पर श्रमिक की छंटनी के समय "पहले आए पीछे जाए" के सिद्धान्त के उल्लंघन के कारण नियोजक द्वारा स्पष्ट किए जाने चाहिए। इस विनिश्चय के अनुसार यदि पक्षकारों में कोई विपरीत अनुबन्ध न हो और किसी श्रमिक की छंटनी के पूर्व "पहले आए पीछे जाए" के सिद्धान्त के उल्लंघन का कारण स्पष्ट नहीं किया गया है तो

श्रमिक की यह छंटनी धारा 25-जी. के प्रावधान के उल्लंघन स्वरूप की जाती है तो ऐसी छंटनी का आदेश दूषित है।

14. विपक्षी अभिभाषक ने प्रदर्श एम. 6 को आधार बनाकर यह पक्ष रखा है कि प्रदर्श एम. 6 उसका मेवा विवरण है, इसके कालम नं. 7 में यह लेख किया गया है कि प्रार्थी श्रमिक से कनिष्ठ किसी व्यक्ति को नियुक्त नहीं किया गया है और उगमसिंह डबलू. डबलू. 5 स्वयं यह स्वीकार करता है कि उसकी जगह किसी जूनियर को नहीं रखा जिससे धारा 25-जी. के प्रावधान का उल्लंघन न होना प्रकट करता है। किन्तु पुनः नियुक्ति के समय धारा 25-एच के प्रावधान भिन्न है जबकि धारा 25-जी. के अनुसार पक्ष यह है कि वरिष्ठता सूची प्रकाशित की जाएगी और उसके अनुसार "पीछे आए पहले जाए" सिद्धान्त की अनुपालना की जाएगी। डबलू. डबलू. 5 उगमसिंह ने यह बताया है कि उसने तो सिनियरटी लिस्ट देखी ही नहीं। ऊपर, यह विचारित व अभिनिर्णीत किया गया है कि वरिष्ठता सूची प्रदर्श एम. 1 विपक्ष को कोई लाभ नहीं पहुंचाता और स्वयं विपक्षी की साक्ष्य से यह स्थापित है कि वरिष्ठता सूची प्रकाशित ही नहीं की गई थी। जिससे, धारा 25-जी. के प्रावधान की अनुपालना किया जाना स्पष्ट नहीं है। ऐसी स्थिति में जहां कि श्रमिक उगमसिंह के सम्बन्ध में धारा 25-जी. के प्रावधान की अनुपालना नहीं की गई है तो 1984 डबलू. एल. एन. (यू. सी.) 223 के आधार पर उगमसिंह श्रमिक की सेवासमाप्ति भी दूषित ठहराती है। फलस्वरूप यह बिन्दू भी उपर्युक्त प्रकार से श्रमिकों के पक्ष में अभिनिर्णीत किया जाता है।

बिन्दू सं. 3

15. उपर्युक्त बिन्दुओं के विश्लेषण के आधार पर यह प्रकट है कि चार श्रमिकों—रामेश्वरसिंह, किशनलाल, इफ्तीखार अहमद और श्रवणसिंह के सम्बन्ध में अधिनियम की धारा 25-एफ. और 25-जी. के प्रावधान की अनुपालना नहीं किए जाने से उनकी सेवा समाप्ति का आदेश दूषित है और अपास्त किए जाने योग्य है। श्रमिक उगमसिंह के सन्दर्भ में अधिनियम की धारा 25-जी. के प्रावधानों की अनुपालना नहीं किए जाने से 1984 डबलू. एल. एन. (यू. सी.) 223 के अनुसार उसकी सेवा समाप्ति भी दूषित है और अपास्त किए जाने योग्य है।

16. विपक्षी अभिभाषक ने यह तर्क प्रस्तुत किया है कि प्रदर्श एम. 2 लगायत प्रदर्श एम. 6 से यह प्रकट है कि श्रमिकगण ने इस समय काल के पश्चात् भी सेवायें प्रदान की हैं और पक्ष पद रखा है कि इफ्तीखार अहमद और श्रवणसिंह अभी तक आर. आर. बीयरर और एवजी वाटरमैन के पद पर कार्य कर रहे हैं और उगमसिंह से सेवार्थें ली जा रही हैं। इस प्रकार वे तर्क करते हैं कि श्रमिकगण ने पुनः सेवा स्वीकार कर अपने क्लेम को स्वमेव छोड़ (waive कर) दिया है। किन्तु दूषित छंटनी के आधार पर सेवा समाप्ति की गई है और इन श्रमिकों को बाद में कार्य पर लगाया गया तो यह ही प्रतिकार नियोजक

को प्राप्त है कि उस समय काल का वेतन लाभ श्रमिकों को न प्रदान या जाए जैसा कि श्रमिक उस समय काल में लाभ के लिए पहले ही कार्यरत रहे हैं किन्तु, ऐसा करने मात्र से ही उनका वैधानिक अधिकार समाप्त नहीं हो जाता और यह नहीं कहा जा सकता कि उनका क्लेम वेव हो चुका है अथवा उन्होंने छोड़ दिया है। फलस्वरूप प्रदर्श एम. 2 लगायत 6 के आधार पर श्रमिकों ने विपक्षीगण के अधीन निश्चित अवधि के लिए काम किया है जिससे सलाभ उक्त अवधि में कार्य करने के आधार पर श्रमिकगण पुनः कोई लाभ प्राप्त नहीं कर सकेंगे।

17. विपक्षी अभिभाषक ने यह भी तर्क प्रस्तुत किया है कि विपक्षी के पास कोई रिक्त पद नहीं है तो यह उपयुक्त हो सकता है कि श्रमिकों को क्षतिपूर्ति प्रदान की जाए। किन्तु, मेरे विचार में ऐसा प्रतिकार संभव अथवा युक्तियुक्त नहीं है क्योंकि सभी श्रमिक तीस-पैंतीस वर्ष के मध्य की आयु के हैं और यदि उनको प्रदान किए जाने वाले क्षतिपूर्ति प्रतिकार की गणना की जाए तो वह अत्यन्त कठिन कार्य होगा। ऐसी अवस्था में, यह ही उपयुक्त है कि श्रमिकों की सेवा समाप्ति को दूषित मानते हुए उन्हें उपयुक्त लाभ प्रदान किए जाए और उन्हें पुनः सेवा में सलाभ रखा जाए।

18. अतः इस प्रसंग के उत्तर में श्रमिकों के पक्ष में निम्न प्रतिकार प्रदान कर पंचाट पारित किया जाता है :—

पंचाट

1. श्रमिक रामेश्वरसिंह को 1-9-86 से, किशनलाल को 7-9-86 से, इफ्तीखार अहमद को 7-9-86 से और श्रवणसिंह को 6-10-86 से अधिनियम की धारा 25-एफ. व 25-जी. के उल्लंघन में तथा श्रमिक उगमसिंह को अधिनियम की धारा 25-जी. के उल्लंघन में सेवापृथक किया गया है, सेवा समाप्ति का आदेश दूषित है और अपास्त किए जाने योग्य है।

2. श्रमिक रामेश्वरसिंह, किशनलाल, इफ्तीखार अहमद, श्रवणसिंह और उगमसिंह सेवा समाप्ति की तिथि से पुनः सेवा में लिए जाने और वेतन व अन्य परिलाभ प्राप्त करने के अधिकारी हैं।

3. इस समय काल में जितने दिन अथवा समय काल तक श्रमिकगण ने सलाभ कार्य किया है वह अवधि उन्हें प्रदान किए जाने वाले लाभ की अवधि में वे कोई लाभ प्राप्त नहीं कर सकेंगे।

उक्त पंचाट प्रकाशनार्थ केन्द्रीय सरकार को भेजा जाए।

19. आज्ञा आज दिनांक 5-11-1990 को सरे इजलास लिखाई व सुनाई गई।

पी. एस. शुक्ला, न्यायाधीश
औद्योगिक विवाद अधिकरण

[सं. एल-41011/26/87-डी-11 (ए) (भाग)]

नई दिल्ली, 31 जनवरी, 1991

का. आ. 573.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेंडेंट आफ पोस्ट आफिस, अमरावती के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-91 को प्राप्त हुआ था।

New Delhi, the 31st January, 1991

S.O. 573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Offices, Amravati and their workmen, which was received by the Central Government on 31st January, 1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(166)/89

PARTIES :

Employers in relation to the management of the Senior Superintendent Post Offices, Amravati (M.S.),

AND

Their workman Shri Uttam Haribhan Wasankar, Sub-Post Master, Mangrul Dastagir, District Amravati (under suspension) represented through the Bharatiya E. D. Employees Union (BMS) Dabhade Saitan Mudholkar Peth, Amravati (M.S.).

APPEARANCES :

For Workman—Shri Uttam Haribhan Wasankar, workman concerned.

For Management—None.

INDUSTRY : P&T. DISTRICT : Amravati (M.S.)

AWARD

Dated : January 18, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40012/10/89-IR(DU) dated 18th August 1989, for adjudication of the following dispute :—

"Whether the Senior Superintendent of Post Offices, Amravati justified in keeping Sri Uttam Haribhan Wasankar, Sub-Post Master, Mangrul Dastagir, District Amravati under suspension w.e.f. 18th July, 1988? If not what relief the workman concerned is entitled to?"

2. In this case both the parties have filed their respective statement of claim. Today i.e. 18th January, 1991 the workman concerned, Shri Uttam Haribhan Wasankar, appeared and filed an application to the effect that he does not want to prosecute the reference. It is, however, stated by the workman that the proceedings have been stayed by the High Court of Bombay Bench at Nagpur in Writ Petition No. 1498/90. Having gone through the written statement of the management as also the copy of the writ petition, I find that in substance the tenability of the reference has been challenged by the management before this Tribunal as also before the High Court for various reasons and in these circumstances the stay order has been granted by the High Court. To add, one of the prayers in the Writ Petition is that the Union/workman be prohibited from proceeding with the reference.

3. In view of the prayer made by the workman that he does not want to proceed with the reference, the prayer

made in the Writ Petition by the management stands allowed.

4. As the workman does not want to proceed with the reference, it becomes infructuous. Except filing of the written statement by post by the management, no one ever appeared on behalf of the management on the dates fixed by this Tribunal.

5. Under the circumstances reference becomes infructuous. Award is made accordingly. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-40012/10.89 IR(D.U.) (Pt.)]

का. आ. 574.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गन कैरिज फैक्ट्री, जबलपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-91 को प्राप्त हुआ था।

S.O. 574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gun Carriage Factory, Jabalpur and their workmen, which was received by the Central Government on 31st January, 1991.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)
Case No. CGIT/LC(R)(119)/1988

PARTIES :

Employers in relation to the management of Gun Carriage Factory, Jabalpur (M.P.)

AND

Their workman, Smt. Romala Ramesh, Asstt. Teacher, G.C.F. W/o Shri R. C. Jain, Teacher, Qr. No. 91/3, Chiltaranjan Marg, G.C.F. Estate, Jabalpur (M.P.).

APPEARANCES :

For Workman—Shri R. K. Jain, Secretary, Employees Union, G.C.F. Jabalpur (M.P.).

For Management—Shri C. K. Sharma, Advocate.

INDUSTRY : G.C.F. DISTRICT : Jabalpur (M.P.)

AWARD

Dated : January 18, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-14012/5/86-D II(B) dated 17th November, 1989 for adjudication of the following dispute :—

"Whether the action of the management of Gun Carriage Factory, Jabalpur (M.P.) in imposing the orders of penalty dated 12th February, 1985 is justified? If not, to what relief the workman concerned is entitled to?"

2. Management has filed its statement of claim. Workman raising the dispute did not care to file her statement of claim inspite of notice.

3. On 16th January, 1991 an application dated 16th January, 1991 has been filed on behalf of the workman concerned. The application is signed by Smt. Romala Ramesh, workman concerned. It is stated there in--

"That as per recent ruling of the Hon'ble Supreme Court of India, that the teachers do not fall in the purview of the I.D. Act, I being in that category of employment (a teacher, G. C. Fy. Primary School, Jabalpur) resolve not to pursue the case, referred to this Hon'ble Tribunal vide G. of I, M of L's letter quoted above, hence withdraw my petition."

4. In view of the above application of the workman the reference order has become infructuous. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-14012/5/86-D.II(B)]

नई दिल्ली, 1 फरवरी, 1991

का. आ. 575.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर जनरल आफ हेल्थ सर्विस, नई दिल्ली के प्रवर्धन के संबद्ध निधेजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-1-91 को प्राप्त हुआ था।

New Delhi, the 1st February, 1991

S.O. 575.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Director General of Health Service, M/o Health, New Delhi and their workmen which was received by the Central Government on 28-1-1991.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU MADRAS

Wednesday, the 26th day of December, 1990

Industrial Dispute No. 93 of 1985

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of the Directorate General of Health Services, Ministry of Health, Government of India, New Delhi)

BETWEEN

Shri M. A. Lateef, No. 7, G. N. Chetty Street, Mylapore, Madras 600004.

AND

The Deputy Director General of Health Services (P), Ministry of Health and Family Welfare, Government of India, Nirman Bhavan, New Delhi-110011.

REFERENCE :

Order No. L-42012/54/84-D.II(B), dated 20-12-1985, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 5th day of December, 1990 upon refusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru T. M. Vasudevan, Advocate appearing for the workman and of Thiru M. Chidambaram for Thiru P. B. Krishnamurthy, Central Government Pleader appearing for the management

and the dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This dispute between the workmen and the management of the Directorate General of Health Services, Ministry of Health, Government of India, New Delhi arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-42012(54)/84-D.II(B), dated 20-12-85 of the Ministry of Labour for adjudication of the following issue

"Whether the action of the Management of the Directorate General of Health Services Ministry of Health, Government of India New Delhi in imposing the punishment of removal from service on Shri M. A. Lateef, Laboratory Assistant, B.C.G. Vaccine Laboratory, Gundy, Madras with effect from 24-3-1981 is justified? If not, to what relief the workman is entitled?"

2. The allegations in the claim statement are as follows :—

While the petitioner was working as Laboratory Assistant under the respondent and in his capacity as a member of the Executive Committee of the Staff Union went to the Director's Office room on 18-3-1980 alongwith other members. G.P.F. application of one Mr. Palani was unnecessarily delayed. They all represented, as a team of Office-bearers of the union to the Director about the delay. However certain charges were framed against the petitioner and served upon him, alleging that he was guilty of misconduct in that he disturbed the meeting of Director and other officers, that he has shouted at the Director saying 'Don't talk' and made similar remarks amounting to disobedience and that he gheraoed alongwith others, the Director on 19-3-80 and thereby violated rules 3(i) and 7(ii) of the C.C.S. (Conduct) Rules, 1964. After the petitioner gave a reply a domestic enquiry was held on charges. Petitioner's requests to engage a lawyer was negatived. On 14-11-80 the petitioner was present at the place of enquiry till 11.45 a.m. in the absence of the enquiry officer. So the petitioner gave a letter to the subordinate of the enquiry officer about his having waited when the enquiry officer was not present till 11.45 a.m. and then left the place. Surprisingly, the enquiry officer who came late on that day set the petitioner ex-parte and proceeded to hold the enquiry and give his findings. This enquiry which did not give proper and full opportunity to the petitioner is against principles of natural justice. The findings are perverse. Witnesses 1 and 2 in the domestic enquiry did not support the charges and their evidence should have been believed by the enquiry officer. An order of termination was passed arbitrarily. The petitioner filed an appeal to the Director General of Health Services, Ministry of Health and Family Welfare, Government of India, New Delhi, who dismissed it without giving proper reasons. The petitioner subsequently filed a review petition on 24-12-81 to the Central Government and the same was rejected. Finally, the workman raised an Industrial Dispute under Section 2(A) of the Industrial Disputes Act and hence the reference. The findings are not sustainable. Termination of petitioner's services is an excessive and disproportionate punishment. The order of punishment needs to be set aside.

3. The counter statement runs as follows :—

The petitioner was not a protected workman. The bill for paying G.P.F. amount to Mr. Palani has been prepared by the office without delay. Clerical staff who also belong to the Union of which the petitioner is a member have to be blamed if there was any delay in preparing the bill and encashing it. The petitioner was in the forefront of the group of people who misbehaved in the presence of the Director and interrupted his proceedings. The petitioner deliberately spoke and acted as stated in the charges, served on the petitioner on 21-6-80.

There was no preliminary enquiry conducted on the charges. Only a departmental or domestic enquiry was held. The officer who presented the case against the petitioner was not qualified in law and hence under the rules, petitioner was not entitled to have any lawyer to assist him. At the enquiry dated 4-11-80, the petitioner did not leave any letter to any official subordinate to the enquiry officer. Though the petitioner was present till 11.45 a.m., he should not have left without meeting the enquiry officer. The enquiry was adjourned to 5-11-80 and notice of such adjournment was sent to the residence of the petitioner through two employees, but it was not served as they could not find the petitioner in his residence till 8.45 p.m. on 4-11-80. The petitioner has avoided receiving the notice which informed him about the enquiry posted on 5-11-80. The petitioner being not interested in the enquiry want only made himself absent on 4-11-80 and subsequent days. The action of the domestic enquiry officer in setting the petitioner ex-parte and then taking evidence in the absence of the petitioner is quite valid. Full opportunity was given to the petitioner and the findings given by the enquiry officer are correct. In any event, the respondent may be given opportunity to lead evidence to prove the charges. Petitioner's allegation that two court witnesses deposed in favour of the petitioner is meaningless and incorrect. After the petitioner has exhausted his action for remedy under the C.S. Rules he has no right to move the Industrial Tribunal. The petitioner should have implored the Ministry of Health and Family Welfare, the Director General of Health Services and the Director of the B.C.C. Vaccine Laboratory, Madras. The petitioner is not a workman in terms of the Industrial Disputes Act. The Industrial Dispute is liable to be dismissed.

4. Points for determination in this I. D. are as follows :—

- (i) Whether the charges against the petitioner are proved ?
- (ii) Whether the punishment is excessive and disproportionate ?
- (iii) To what relief, the petitioner is entitled ?

5. The petitioner-workman examined himself as WW-1 and his cross-examination in the first stage was completed on 6-1-89 and 13-1-89. For the respondent Raman who is an Office Peon working in the B.C.C. Laboratory, Madras gave evidence as MW-1 on 13-1-89. Ex. W-1 to W-9 and Ex. M-1 to M-53 have been marked.

On the preliminary issue regarding the fairness and validity of the domestic enquiry this Tribunal has passed an order dated 23-11-89 under which it held that the domestic enquiry is not fair and hence directed the respondent to lead evidence to prove the charges. But curiously the respondent, subsequent to this order did not avail of the opportunity and let in any further evidence in support of the charges. So it would be quite proper for us to conclude that the charges framed against the petitioner have not been proved in the absence of any evidence whatsoever adduced by the respondent before this Tribunal and pass award straightaway in favour of the petitioner. However, for the sake of clarity, we will advert to the facts and the documentary and oral evidence given at the preliminary enquiry regarding the fairness of the domestic enquiry. Ex. M-3 is the Office Memo by which the charges have been served upon the petitioner and instructions were given to the petitioner as to what he must do in facing the enquiry. The charges mentioned as articles are not found as annexures to Ex. M-3. However we find the charges in the domestic enquiry report (findings) Ex. M-42. They are called as 4 articles of charges as follows :—(i) The petitioner-Lateef on 18-7-80 at 4.00 p.m. entered into the room of the Director without permission and disturbed the meeting which the Director was having with other Officers ; (ii) The Delinquent Official had shouted at the Director saying "Don't talk" ; (iii) When leaving the Director's room the petitioner declared "Either he must remain in the Office or the Director should remain" and ; (iv) The petitioner threatened the Director in his office at 5.05 p.m. on 19-7-80. The incidents attributed were in relation to alleged delay in paying the G.P.F. advance amount to an employee

Mr. Palani. The petitioner is said to have committed the acts violating the conduct rules, as a member of the executive committee when he met the Director, along with office-bearers of the Employees' Union. Surprisingly it appears that the other employees, namely office-bearers of the union who accompanied the petitioner have not been taken to task by the respondent.

6. When management witness MW-2 Govindan who gave evidence before the domestic enquiry officer was questioned by the latter, he had stated regarding the behaviour of the petitioner-Lateef, that he is short tempered fellow and that his official duty did not suffer on account of his union activities. In the findings Ex. M-42, the domestic enquiry officer Mr. Bhatia concluded that the charges of article 4 is not proved, while in the charges described as Articles 1 to 3 have been proved. This domestic enquiry Officer who was deputed specially from New Delhi to visit Madras and conduct the enquiry against the petitioner seems to have been in a hurry and shortcut the enquiry by setting the petitioner Ex-parte on 4-11-80 and he finally gave a verdict against him. This Tribunal has already passed its order dated 23-11-89 on the preliminary issue holding that the domestic enquiry has been vitiated.

7. When the Office-bearers of the Staff Union including the petitioner entered into the room of the Director and put certain questions and made certain remarks against Director and incidently prevented the smooth conduct of official meeting then being held, all the concerned employees who interrupted the meeting should have been dealt with suitably under the Civil Service Rules. But that was not the case and only the petitioner has been singled out. The respondent has not chosen to examine the witnesses 1 to 4 who were already examined at the domestic enquiry or further witnesses, before the Tribunal for proving the charges. I therefore hold that the charges, described as Article (i) to (iii) have not been proved before this Tribunal and therefore the findings recorded by the domestic enquiry officer and the punishment passed thereupon are liable to be set aside. This brief statement of the facts has been given above only for completing the record. The petitioner is therefore entitled to be reinstated in service. But in the circumstances of the case, I direct that the petitioner shall be paid only half of the monthly emoluments from the date of termination, viz. 24-3-1981 till the date of this award (i.e.) 26-12-1990. These points are answered accordingly.

8. In the result, award is passed directing the respondent to reinstate the petitioner in service with continuity of service and all other benefits but pay the petitioner only half of the monthly emoluments (Back wages) for the period from 24-3-1981 to 26-12-1990. No costs.

Dated, this 26th day of December, 1990.

M. GOPALASWAMY, Industrial Tribunal
[No. L-42012/54/84-D II (B) (Pt.)]

WITNESSES EXAMINED

For workman :

WW-1—Thiru M. A. Lateef.

For management :

MW-1—Thiru P. Raman.

DOCUMENTS MARKED

For workman :

Ex. W-1/1-9-80—Review Petition by WW-1 to the Secretary to Government of India and Reviewing Authority, Ministry of Health, Government of India, New Delhi against his suspension order. (copy)

W-2/17-9-80—Representation by WW-1 to the Deputy Director General of Health Services, New Delhi (copy).

W-3/7-10-80—Representation by WW-1 to Thiru K. L. Bhatia, Enquiry Officer (copy).

- Ex. W-4/4-11-80.—Letter from WW-1 to the Enquiry Officer recording his presence at the Enquiry (Xerox copy).
- Ex. W-5/24-12-81.—Review petition by WW-1 to the Secretary to Government, Ministry of Health and Family Welfare, New Delhi against his dismissal (copy).
- Ex. W-6/26-2-82.—Review petition by WW-1 to the Secretary to Government, Ministry of Health and Family Welfare, New Delhi against his dismissal (copy).
- Ex. W-7/9-82.—Office Memorandum from Government of India regarding review petition of WW-1 (copy).
- Ex. W-8/3-11-80.—Letter from WW-1 to the Enquiry Officer regarding to nominate Thiru J. V. V. Seshachalam as his Defence Assistant.
- Ex. W-9/20-3-80.—Letter from B.C.G. Vaccine Laboratory Employees' Union, Madras 32 to the Asst. Labour Commissioner (C), Madras requesting to withdraw the suspension order of WW-1.

For Management :

- Ex. M-1/1-9-80.—Letter from WW-1 to the Secretary to Government of India Reviewing Authority, New Delhi (copy)
- Ex. M-2/31-5-80.—Order passed by the Disciplinary Authority, Government of India for taking disciplinary action against WW-1.
- Ex. M-3/21-6-80.—Enquiry Notice (copy)
- Ex. M-4/17-80.—Letter from WW-1 to the management requesting a month's time to submit his explanation.
- Ex. M-5/7-7-80.—Reply by the management to Ex. M-4.
- Ex. M-6/10-7-80.—Letter from WW-1 to the management in reply to Ex. M-5.
- Ex. M-7/15-7-80.—Memorandum of the management denying extension of time to submit the explanation of WW-1 upto 31-7-80.
- Ex. M-8/19-7-80.—Suspension order issued to WW-1.
- Ex. M-9/21-7-80.—Letter from WW-1 to the management requesting to drop disciplinary action against him.
- Ex. M-10/5-8-80.—Order of the management for appointing the Presenting Officer.
- Ex. M-11/5-8-80.—Order of the management for appointing the Enquiry Officer.
- Ex. M-12/18-8-80.—Corrigendum amending the designation of Enquiry Officer.
- Ex. M-13/18-80.—Corrigendum amending the name and designation of Shri Abdulkahdar, Head Clerk into Shri A. Monamad Abdulkhadar, Office Superintendent.
- Ex. M-14/10-9-80.—Letter from the Enquiry Officer to WW-1 intimating the preliminary enquiry.
- Ex. M-15/12-9-80.—Letter from WW-1 to the Director, BCC Vaccine Laboratory, Madras-32 enclosing copy of Memo No. F. 213/79 Adm. dated 11-9-80.
- Ex. M-16/15-9-80.—Letter from WW-1 to the management requesting to permit him to engage a legal practitioner to assist him in the defence.
- Ex. M-17/17-9-80.—Letter from WW-1 to the management in continuation of his letter Ex. M-16.
- Ex. M-18/16-9-80.—Office Memorandum issued by the management to WW-1.
- Ex. M-19/17-9-80.—Office Memorandum issued by the management to WW-1.
- Ex. M-20/26-9-80.—Office Memorandum issued by the management to WW-1.
- Ex. M-21/17-9-80.—Enquiry Proceedings (copy).
- Ex. M-22/29-9-80.—Letter from WW-1 to the Secretary to Government of India and Reviewing Authority, Ministry of Health, Government of India, New Delhi praying to set aside the order of suspension and reinstate him with full pay and allowances from the date of suspension.
- Ex. M-23/1-10-80.—Letter from the Enquiry Officer to WW-1.
- Ex. M-24/21-10-80.—Letter from the Enquiry Officer to WW-1.
- Ex. M-25/27-10-80.—Telegram from WW-1 to the Management.
- Ex. M-26/27-10-80.—Telegram from WW-1 to the Enquiry Officer.
- Ex. M-27/-10-80.—Letter from the Enquiry Officer to the Director, B.C.G. Vaccine Laboratory, Madras-32 and five others.
- Ex. M-28/- Letter from the Enquiry Officer to WW-1.
- Ex. M-29/3-11-80.—Letter from the Enquiry Officer to Thiru A. Devasagayam, Laboratory Assistant and two others.
- Ex. M-30/4-11-80.—Letter from the Enquiry Officer to WW-1.
- Ex. M-31/3-11-80.—Proceedings of the Enquiry Officer.
- Ex. M-32/3-11-80.—Letter from WW-1 to the Enquiry Officer requesting to adjourn the enquiry (copy)
- Ex. M-33/3-11-80.—Letter from the Enquiry Officer to WW-1 intimating the date of enquiry.
- Ex. M-34/3-11-80.—Acknowledgement for receiving Ex. M-33 by WW-1.
- Ex. M-35/5-11-80.—Letter from Office Peon to the Enquiry Officer.
- Ex. M-36/4-11-80.—Proceedings of the Enquiry Officer.
- Ex. M-37/4-11-80.—Letter from WW-1 to the Enquiry Officer (xerox copy)
- Ex. M-38/5-11-80.—Proceedings of the Enquiry Officer.
- Ex. M-39/- Proceedings of the Enquiry Officer.
- Ex. M-40/7-11-80.—Letter from WW-1 to the Enquiry Officer.
- Ex. M-41/12-12-80.—Letter from WW-1 to the Enquiry Officer.
- Ex. M-42/7-1-81.—Report of the Enquiry Officer.
- Ex. M-43/12-3-81.—Order of the Dy. Director General of Health Services rejecting the review petition preferred by WW-1.
- Ex. M-44/13-3-81.—Order of removal issued to WW-1.
- Ex. M-45/5-4-81.—Reply by WW-1 to Ex. M-44.
- Ex. M-46/9-4-81.—Office Memorandum issued by the Dy. Director General of Health Services to WW-1.
- Ex. M-47/18-4-81.—Office Memorandum issued by the Dy. Director General of Health Services to WW-1.
- Ex. M-48/28-4-81.—Appeal preferred by WW-1 against the order of removal from service.
- Ex. M-49/7-7-81.—Reminder for the letter Ex. M-48.
- Ex. M-50/13-7-81.—Order of Appellate Authority rejecting the appeal preferred by WW-1.
- Ex. M-51/22-3-83.—Order passed by the Government of India, Ministry of Health and Family Welfare in the review filed by WW-1.
- Ex. M-52/9-2-84.—Letter from the Director to the Assistant Labour Commissioner (Central) Ministry of Labour, Madras-6.
- Ex. M-53/4-12-84.—Letter from the Asst. Labour Commissioner (C), Madras to the Secretary to Government, Ministry of Labour, New Delhi enclosing copy of minutes of conciliation proceedings held on 2-11-84.

Sd/-
Industrial Tribunal

नई दिल्ली, 4 फरवरी, 1991

का. प्रा. 576.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल टोर्बको रिसर्च इन्स्टीट्यूट के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-2-91 को प्राप्त हुआ था।

New Delhi, the 4th February, 1991

S.O. 576.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government

hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Tobacco Research Instt., Rajahmundry and their workmen, which was received by the Central Government on 1-2-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 163 of 1988

PARTIES :

Employers in relation to the management of Central Tobacco Research Institute, Rajahmundry

AND

Their workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES .

For the employers—Shri G. Prasad, Advocate.

For the workmen—Shri B. K. Prasad, Chairman, Bharatiya Krishi Karamchari Sangh.

STATE : Bihar

INDUSTRY : Tobacco Research

AWARD

Dated, the 21st January, 1991

By Order No. L-42011/5.86-D.II (B), dated, Nil the Central Government in the Ministry of Labour, has in exercise of the powers conferred by clause (a) of subsection (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

"Whether action of the management of Central Tobacco Research Institute, Rajahmundry, Andhra Pradesh in not regularising and not paying Group 'D' wages of Central Government to 41 workmen of C.I.R. Station, Pusa Bihar listed with the Annexure-1 is justified ? If not, to what relief the workmen are entitled ?"

ANNEXURE-1

List of the old Daily rated workers working at the Central Tobacco Research Station, Pusa, Bihar (of the Central Tobacco Research Institute, Rajahmundry, A.P. under I.C.R., New Delhi).

S. No.	Name	Father's Name	Working Place	Joining Year
1.	Shri Upendra Jha	Shri Ram Saran Jha	Vill. Ramauli	15-5-1957
2.	" Bhola Mahato	Amir Chand Mahato	Harpur	1955
3.	" Rana Paswan	Chatu Paswan	Thahra	1963
4.	" Ram Shreshtha Jha	S. Pramod Jha	Simri	1965
5.	" Ram Saran Thakur	Dhani Thakur	Malinagar	1966
6.	" Laxmi Mahato	Bindi Mahato	Mahmada	1968
7.	" Baldeo Rail	Darbeswar Rail	-do-	1961
8.	" Ram Bahadur Rail	Subi Lal Rail	Harpur	1961
9.	" Satyanarain Thakur	Narsingh Thakur	-do-	1968
10.	" Ram Narain Thakur	Ram Parichchan Thakur	-do-	1959
11.	" Shiv Nandan Mahato	Dularchand Mahato	Dumrama	1965
12.	" Ram Chandra Mahato	Raghunandan Mahato	Karua	1965
13.	" Ramasis Sah	Jhari Sah	Malinagar	1968
14.	" Jageshwar Jha	Phirangi Jha	Simri	1966
15.	" Ram Shreshtha Kapur	Baleshwar Kapur	Harpur	1965
16.	" Ram Padarath Thakur	Phalas Thakur	Simri	1968
17.	" Jai Narain Sah	Panchu Sah	Harpur	1965
18.	" Ganesh Das	Muneshwar Das	Dighra	1969
19.	" Ramesh Mahato	Sukhdeo Mahato	Bathua	1971
20.	" Premlal Mahatha	Saryug Lal Mahatha	Simri	1970
21.	" Rameshwar Pathak	Jogeshwar Pathak	Malinagar	1972
22.	" Shiv Chander Lal	Mahabir Lal	Dalha	1970
23.	" Ganga Bhandari	K. Bhandari	Thahre	1968
24.	" Ram Lakhan Ram	Madho Ram	Barganwa	1970
25.	" Narendra Sharma	Ram Chandra Sharma	Dighra	1972
26.	" Haribansh Rai	Khelu Rai	Mahmada	1972
27.	" Mahadeo Lal Mahta	Ram Chandra Lal	Simri	1971
28.	" Manraj Sah	Bilat Sah	Jagdishpur	1968
29.	" Rasheed Mian	Chhedi Mian	Purandeopur	1968
30.	" Raghuni Sah	Balgovind Sah	Malinagar	1968
31.	" Shyam Pathak	Rajeshwar Pathak	Malinagar	1971
32.	" Mahabir Rai	Jaman Rai	Dharao	1975
33.	" Bideshwar Rai	Ram Narain Rai	-do-	1975
34.	" Ram Chandra Mahto	Sukan Mahto	Harpur	1975
35.	" Ram Parwesh Jha	Satrughan Jha	-do-	1970
36.	" Gopal Thakur	Jagdish Thakur	Pusa Bazar	1972
37.	" Umesh Pathak	Chandeswar Pathak	Raini	1975
38.	" Rajendra Rai	Bhola Rai	Gorain	1975
39.	" Fakira	Ram Khelawan	Pusa	1970
40.	" Jai Narain Thakur	Manorath Thakur	Gorain	1971
41.	" Shiv Dhari Das	Ram Uchit Das	Harpur	1975

2. The case of the management of Central Tobacco Research Institute, Rajahmundry, Andhra Pradesh, as disclosed in the Written Statement-cum-rejoinder, briefly stated is as follows :—

The Central Tobacco Research Institute Rajahmundry, A.P. is under Indian Council of Agricultural Research (hereinafter shortly referred to as "I.C.A.R.") which is registered under Societies Registration Act, 1860. I.C.A.R. came into existence as a Department of Government of India and continued to be an attached office of Government of India even though it was registered as a Society. It is wholly financed by the Government of India. I.C.A.R. Institute is primarily and exclusively a research

organisation and its main object is to undertake research on various aspects of agricultural and animal sciences in the larger interest of the nation without profit motive. Hence it is not an "industry" and the provision of I. D. Act, 1947 are not applicable to it. I.C.A.R. is an autonomous organisation wholly financed by the Central Government and the taxing power of the State was involved to make it financially viable, and independent research institute set up by the Government were transferred to it. Accordingly Central Tobacco Research Institute, Rajahmundry, Andhra Pradesh was transferred to I.C.A.R. in the year 1965 and since then it has been functioning under the Ad-

it could be styled as a society set up by the State and therefore is an instrumentality of the State. I.C.A.R. rules also clearly indicate the authority and control of the Central Government and so the present industrial dispute raised by the Chairman, Bhartiya Krishi Karamchhari Sangh is misconceived and is beyond the jurisdiction of his Tribunal. On the premises as aforesaid Central Tobacco Research Institute, Rajahmundry, A.P. (shortly referred to as C.T.R.I.), being a part and parcel of I.C.A.R. is not an industry as defined in Section 2(j) of the I. D. Act. The Central Tobacco Research Institute, Research Station, Pusa, Bihar and C.T.R.I. Rajahmundry, A.P. came under the Administrative control of I.C.A.R. with effect from 1-10-65 and the Ministry of Agriculture, Community Development and Co-operation (Department of Agriculture). I.C.A.R. is out and a Government of India organisation. It is an instrumentality of the Central Government and as such is not an "Industry". The Central Tobacco Research Institute Research Station is a part and parcel of CTRI, Rajahmundry and is under I.C.A.R., New Delhi. The C.T.R.I. Research Station Pusa is a permanent establishment for carrying out research on chewing tobacco in Bihar, to develop new and improved variety of tobacco and to provide technical know-how to the farmers and thus has been contributing significantly to the socio-economic uplift of the State. The Research station is manned with permanent scientific, technical, and auxiliary, administrative and supporting personnel to carry on its work. As and when required casual labourers on seasonal basis were engaged just to provide necessary assistance in the work of the Station. The requirement for the engagement of casual labourers vary according to the need of the research, training and season etc. The workmen mentioned in Annexure-I to the W.S. were working in the farm of CTRI Research Station, Pusa, Bihar out of which S/Shri Upendra Jha (Sl. No. 1) Ram Narain Thakur (Sl. No. 10) and Shiv Dhari Das (Sl. No. 41) have been appointed as supporting staff on Grade-I on 4-11-87 and they have joined their posts on 12-11-87, 12-11-87 and 17-11-87 respectively. Ram Chandra Mahato (Sl. No. 34) son of late Sukhan Mahto died on 27-1-1988. A sum of Rs. 2184 only has been paid to his wife towards payment of gratuity payable to the legal heir of the deceased on 31-5-88 and his son Arun Kumar Mahato has been engaged as casual labour as a special case on compassionate ground with effect from 10-2-88. S/Shri Ram Sharan Thakur (Sl. No. 5) and Manraj Sah (Sl. No. 28) have grown very old. They were interviewed by the selection committee constituted for the purpose by the Director of CTRI, Rajahmundry and were not found fit for regular supporting staff Grade-I post. Three posts of supporting staff Grade-I were sanctioned for research station, Pusa. All the workmen mentioned in the annexure-I were called for interview and three of them, S/Shri Upendra Jha (Sl. No. 1), Ram Saran Thakur (Sl. No. 10) and Shiv Dhari Das (Sl. No. 41) were selected for appointment by the Selection committee. The rest of the workmen were engaged as daily rated workmen. They are paid minimum wages as fixed by the Central Government/Bihar Government whichever is higher as per instruction of I.C.A.R., New Delhi. The present reference is not maintainable as charter of demand has not been served upon the Central Government, Department of Agriculture or I.C.A.R. The workmen listed in the reference except those mentioned before are casual workers and CTRI, Rajahmundry is not bound to regularise their services because they have no legal right to claim the said relief—as decided in C.W.J.C. No. 1814 of 1984 (Paltu Rai and others petitioners vrs. Rajendra Agriculture University, Pusa, Bihar and others Respondents) and the Hon'ble Supreme Court has also confirmed the decision in P. K. Ram Chander Iyer and Ors. Petitioner vrs. Union of India and ors respondents (AIR 1984 Sl. 541) also confirm this position. In view of the decisions of the Supreme Court the concerned work-

men are not entitled for absorption on regular basis, Bhartiya Krishi Karamchhari Sangh is not a recognised union and as such they have no right to raise the demand of general nature. The management has asserted that the appropriate Government is not competent to make the present reference as it did and the reference is not maintainable since no demand was raised by the union on I.C.A.R. New Delhi.

The case of the concerned workmen, as disclosed in the W.S. submitted on their behalf by the Chairman, of the sponsoring union, Bhartiya Krishi Karamchhari Sangh, details apart is as follows :—

The India Agriculture Research Institute and Central Tobacco Research Institute previously were under the control of Ministry of Food and Agriculture (Department of Agriculture) and are now under Indian Council of Agricultural Research (ICAR). The concerned workmen have been working at the Central Tobacco Research Station, Pusa, Bihar under the Management of Central Tobacco Research Institute Rajahmundry, A.P. The work of Central Tobacco Research Station Pusa is of regular nature. The management of Central Tobacco Research Institute, Rajahmundry, AP is a constituent institute of Indian Council of Agricultural Research Institute, New Delhi and according to the instructions of ICAR Letter No. 20-22/69-Agril. Instt. dated 29th June, 1970, on regularisation of services of workmen, they would be entitled to half of the continuous service paid from contingency w.e.f. 1-11-1961 onwards and upto the date of their regular appointment and the services would be counted for the purposes of retirement benefits. According to the instruction contained in Ministry of Home Affairs O.M. Nos. 16/10/66-Estt. (D) dated 2-12-66, 14-1-68-Estt. (D) dated 12-2-69, 4-9-61-Estt. (D) dated 9-8-61, 4-9-61-Estt. (D) dated 16-9-61, all the workmen employed as Daily rated within the age limit shall be entitled to absorption on regular establishment in the pay scale of Rs. 70—85 upto 31-12-1972, Rs. 196—232 from 1-1-73 to 31-12-85 and Rs. 750—940 w.e.f. 1-1-86. The judicial authorities have deprecated employment of labour on muster roll for years together and the Hon'ble Supreme Court of India in the case of Surinder Singh and others Vrs. Engineer-in-Chief, CPWD in a Writ petition (Civil) No. 559-80 and 563—70/83, has given direction for regularisation of all the muster-roll employees who have been in employment and also to grant them pay and allowances including other benefits that are being paid to regular/permanent employees for the same work. The Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training vide its O.M. No. 49014 2/86-Estt. (C) dated 7th June, 1988 has reviewed the policy of recruitment of workers in view of the judgement of the Hon'ble Supreme Court dated 17-1-86 in Writ petition filed by Surinder Singh and others Vrs. Union of India and decided that all casual workers should be paid at the rate of minimum of the pay scales plus D.A. and also decided that all eligible casual workers would be adjusted against the regular posts. But the workmen are entitled to the time scale and allowance. Shri R. M. L. Varsh, Under Secretary to the Government of India, Ministry of Food and Agriculture (Department of Agriculture) vide its letter No. 22-134/61-Instt. I dated 25th October, 1962 addressed to the Director of IARI, had conveyed the decision of the Government of India to the fact that the workmen who were in service continuously a date prior to 24th January, 1961 as contingency paid staff (daily rated) should be allowed a fixed pay of Rs. 70 per month w.e.f. 1-7-75 or date of appointment whichever was later and the benefit of fixed pay of Rs. 70 per month. The Government of India Ministry of Food and Agriculture (Department of Agriculture) vide its letter No. 22-134/61-Instt. I dated 13th May, 1962 had again issued some clarifications for pay and allowance of contingent paid staff (casual) not

brought on regular establishment; it had been claimed that those workmen who were employed for more than five years and were paid from contingencies should be entitled to pay fixed at Rs. 70 per month (time scale). In addition, they would also be entitled pay and allowances at the same rates and in the same manner as were prescribed for Class IV (Group-D) belonging to regular establishment except leave, pension, medical, or travelling allowance benefits. But the management of Central Tobacco Research Institute Rajahmundry, A.P. has been indulging in exploitation of labour by keeping them on daily rated just to deny them the pay and allowance and regular status by not regularising them in "Group-D" pay scales. However, the management has regularised the services of S/Shri Upendra Jha appearing at Sl. No. 2 and Shri Ram Narain Thakur appearing in Sl. No. 3 with effect from 12-11-87 and the services of Shri Shiv Dhari Das appearing at Sl. No. 41 have been regularised with effect from 17-11-87. Besides, the management has regularised the services of similar categories of workmen in their establishment but have not regularised the services of the concerned workmen and thereby committed discrimination against them which is in violation of the Industrial Disputes Act and Articles 14 and 39 of the Constitution of India. Shri Bhola Mahato one of the concerned workman and whose name appear at Sl. No. 1 is entitled to regularisation with effect from 12-11-87, the date when his juniors S/Shri Upendra Jha and Ram Narain Thakur have regularised with all benefits including seniority. The workmen whose name appear Sl. No. 4 to 40 are entitled to regularisation with effect from 17-11-87, the date when Shri Shiv Dhari Das junior to them have been regularised with all benefits and seniority. All the concerned workmen are entitled to the pay scale of Rs. 70—85 upto 31-12-72, Rs. 196—232 with effect from 1-1-73 to 31-12-85 and Rs. 750—940 with effect from 1-1-86. Shri Ram Chandra Mahato whose name appear at Sl. No. 8 expired on 27-1-1988 and his legal heirs are entitled to receive payment, allowances, etc. w.e.f. 1965. In the circumstances, the union has prayed that the concerned workmen whose name appear at Sl. No. 41 be regularised in the services with effect from 12-11-87 and the workmen whose names appear at Sl. No. 4 to 40 with effect from 17-11-87 with all consequential benefits and be paid wages equivalent to wages available to permanent Group-D staff on the principles of "Equal pay for equal work" in the pay scale of Rs. 70—85 upto 31-12-72, Rs. 196—232 from 1-1-73 to 31-12-85 and Rs. 750—940 with effect from 1-1-86. The Union has further claimed that the concerned workmen be declared as permanent workmen of the establishment.

4. In rejoinder to the Written Statement of the sponsoring union, the management has stated that the field work of CTRI Research Station Pusa is of seasonal nature and the engagement of workmen vary according to the requirement. The workmen mentioned in Annexure-I were interviewed by the Director of CTRI, Rajahmundry, A.P. and three of them namely S/Shri Upendra Jha, Ram Narain Thakur and Shri Dhari Das were selected by the committee on the basis of their physique, experience and performance in the interview and appointed as supporting staff Grade-I. It is not true that Ram Chandra Mahato son of Raghunandan Mahato expired on 27-1-88; he is alive and is still working in CTRI Research Station, Pusa. Sri Ramchandra Mahato son of Sukhan Mahato expired on 27-1-88 and his son Arun Kumar has been engaged as daily wage labourer and an amount of Rs. 2184 had been paid to his wife towards gratuity payable to the legal heir of the deceased. As present there is no vacancy to appoint any of the workmen in CTRI Research Station, Pusa. The allegation of exploitation of labour is false and motivated. There is no vacancy in the category of "Group-D" at present. Whenever vacancy occurs in Group-D, they are filled in by selection of suitable candidates from amongst the casual workmen and no recruitment is made from outside. Since the workmen listed in the annexure of the notification were casual and daily rated workmen they are entitled to payment of minimum wages fixed by the Central/State Government

whichever is higher. Three of the concerned workmen have been appointed as supporting staff Grade-I and they are getting their pay and allowances, according to the rule. The instruction issued by I.A.R.I. is not binding or applicable to C.T.R.I. and as a matter of fact no such instruction has been received by C.T.R.I. from the department of Agriculture Research and Education (in short I.A.R.E.) Ministry of Food Agriculture and co-operation or the Director General of I.C.A.R. The case of Surinder Singh and others vs. Engineer-in-Chief, CPWD has got no application in the present case. The annexures to the W.S. of the sponsoring union have got no manner of the application in the context of facts and circumstances of the present case. The management has denied that there has been any discrimination in selection of workmen for the posts. The date of initial engagement of Bhola Mahato is 4-3-61. He is junior to several other workmen who have been selected and so he has no claim for appointment nor was he selected by the selection committee. The date of initial engagement of Shiv Dhari Das is 13-9-51 and he was senior and found suitable by the selection committee and was appointed as supporting staff grade-I. In the context of these facts and circumstances the management has prayed that the present reference be rejected.

5. In rejoinder to the W.S. of the management the sponsoring union has stated as follows :—

The contention of the management that I.C.A.R. institute is not "Industry" and that the present dispute is not legally tenable and are unsustainable. Different decisions of different courts have been cited in support of this contention. It has been asserted that in the case of R. K. Ramchandran Iyer vs. Union of India, the Supreme Court has decided whether I.C.A.R. is an instrumentality of the State within the meaning of Article 12 of the Constitution and that the Hon'ble Court has not dwelt at all the order of the reference under Industrial Disputes Act, 1947 or its maintainability. During the pendency of this dispute before the appropriate Government, the management regularised the services of S/Shri Upendra Jha and Ram Narain Thakur on 12-11-87 and the services of Shri Shiv Dhari Das on 17-11-87 while their seniors were left out arbitrarily and thereby the management regularised them without observing the seniority and principles of natural justice. It has been alleged that the management has classified Beldar/Malis who were recruited between 1952—75 in a pick and choose manner and thereby indulging in discrimination and unfairness. The contention of the management that S/Shri Ram Saran Thakur and Manraj Sah have grown old and so they are unfit for the regularisation are not sustainable because they have grown old during their tenure of service with the management. The demand for classification as temporary/permanent workmen by grades was raised before the management and their demand was also raised before the conciliation officer by the sponsoring union. Classifications of workmen as temporary or permanent and also by grades are industrial dispute. The union has also denied and disputed every contention of the management impinging on the claim of the concerned workmen as reflected in the present industrial dispute.

6. The management, in order to justify its action has examined two witnesses namely MW-1 Dr. S. N. Tripathy and MW-2 A. K. Pandey and laid in evidence a sheaf of documents which have been marked Exts. M-1 to M-16. On the other hand, the sponsoring union has examined three witnesses namely WW-1 Shri Bhola Mahato, WW-2 Nagendra Sharma and WW-3 Ganesh Das and laid in evidence some documents which has been marked Exts. W-1 to W-7.

7. Pleadings of the parties arrayed admit of the following facile of facts:—I.C.A.R., though registered as a Society under the Societies Registration Act, 1960, came into existence as a department of the Government of India and continues to be an attached office of the Government of India. It is wholly financed by the Government of India and its main object is to undertake research on various aspects of agriculture and animal science in the

larger interest of the nation. Independent research institute set up by the Government were transferred to it and accordingly CTRI, Rajahmundry, Andhra Pradesh was transferred to I.C.A.R. in 1965 and since it has been functioning under the administrative control of I.C.A.R., New Delhi. The Central Tobacco Research Institute Research Station, Pusa, Bihar also came under the administrative control of I.C.A.R. with effect from 1-10-65 under the Ministry of Agriculture, Community Development and Co-operation (Department of Agriculture). Thus I.C.A.R. being almost an inseparable adjuncts of Government of India having an outward form of being a society, it could be conceived as a society set up by the State and therefore would be an instrumentality of the State.

8. The management has claimed that I.C.A.R. Institute is primarily and exclusively a research organisation and its main object is to undertake research on various aspects of agriculture and animal sciences in the larger interest of the nation without any profit motive and hence it is not an "Industry". The union has disputed the claim of the management and submitted that I.C.A.R. institute is an "Industry" and the provisions of Industrial disputes Act are applicable to it.

9. MW-1 Dr. S. N. Tripathy joined the services of Central Tobacco Research Institute, Rajahmundry on 19-2-65 as Farm Manager. He is an M.Sc. in agriculture and obtained his Ph.D. degree later. He joined the post of Senior Scientist of the same organisation on 1-7-82 and became Senior Scientist on selection grade with effect from 1-1-86. He joined the Pusa Institute of CTRI on 10-5-89. He has stated in his testimony that the object of Central Tobacco Research Institute is to conduct research on Tobacco for improvement in varieties, cultural practices, manual requirements, water needs for high yield and better quality. The result obtained from the research is passed on to the farmers by demonstration class. According to him the entire tobacco produced by the institute is sold, after obtaining datas, to the open market by quotation and that the institute is not a business organisation and has got no profit intensive orientation. According to MW-2 Shri A. K. Pandey now working as a Technical Officer in CTRI, Research sub-station, Pusa, Bihar, CTRI at Pusa has been carrying on various research works relating to tobacco and training of farmers for better production and better variety of tobacco and the principal work carried on in Pusa station is research work which has to be done scientifically and training of farmers.

Dr. Tripathy, MW-1 has stated that at Pusa the organisation has got 3 Scientists including himself, 5 Technicians, 4 Administrative staff and 24 auxiliaries including 21 supporting staff and the concerned workmen as casual workers.

10. Shri G. Prasad, learned Advocate for the management has contended that since I.C.A.R. is an instrumentality of the State it is not an "Industry" and in support of his contention he has referred to the decision reported in AIR 1984 Supreme Court 541=1984 Supreme Court 146. I.C. 301 (P. K. Ramchandra Iyer and Ors. Vrs. Union of India and Ors.) I consider that the contention of Shri G. Prasad that I.C.A.R. is not an "Industry" since it is an instrumentality of the State does not get support from the decision referred to. As a matter of fact whether I.C.A.R. is an "Industry" or not did not squarely fall for decision in the case.

On the other hand Shri B. K. Prasad, Chairman of the sponsoring union has contended that the Hon'ble Supreme Court has made abundantly clear in the decision reported in 1978, Lab. I.C. 467 (Bangalore Water Supply and Sewerage Board, Appellant Vrs. A. Rajappa and others Respondents) that even a research institute may be comprehended under the category of "Industry" provided it conforms to certain criteria as laid down in that judgement. In the decision reported in 1978 Lab. I.C. 467 (Bangalore Water Supply and Sewerage Boards Vrs. A. Rajappa and others) the Hon'ble Supreme Court has held that the word "Industry" as defined in Section 2(i) of the I. D. Act, 1947 has a wide import. Where there is (i) systematic activity, (ii) organised by co-operation between employer and employee (the direct and substantial element is chimerical), (iii) for the production and/or distribution of goods and services calculated to satisfy human

wants and wishes not spiritual or religious but inclusive of material things or services geared to celestial bias e.g. making, on a large scale, prasad or food/prima facie, there is an "Industry" in that enterprise.

Absence of profit motive or gainful objective is irrelevant to the venture in the public, joint, private or other sector.

The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relation.

The consequences are (i) professions, (ii) clubs, (iii) educational institutions, co-operatives (iv) research institutes, (v) charitable projects and (vi) other kindred adventures, if any fulfil the triple tests listed above cannot be exempted from the scope of S. 2 (j) of the I. D. Act.

This decision of the Hon'ble Supreme Court has been cited with approval by Rajasthan High Court in the case reported in F.L.R. 1982 (44) page 85 (Union of India Vrs. Mahaveer Prasad).

11. Having regard to the evidence on record, I am constrained to hold that the Central Tobacco Research Institute, Research Station Pusa which is under CTRI Rajahmundry is "Industry" inasmuch as the institute carries on systematic activity of research organised by co-operation between employer and employee for betterment of quality and output of tobacco in order to satisfy human wants and wishes by services in the process of importing expertise to the farmers.

12. Shri G. Prasad, Advocate has contended that the present industrial dispute is not maintainable as it has not been raised by a recognised union. It is needless to say that it is not necessary that an industrial dispute should invariably be raised by a recognised union; it can be raised by an un-recognised union provided it represents a substantial body of workmen. There is nothing in evidence to indicate that the sponsoring union does not represent a substantial body of workmen. In this view of the matter the contention of Shri Prasad that the present industrial dispute raised by the sponsoring union is not maintainable founders on the ground.

13. Shri G. Prasad has also contended that the dispute is not maintainable as no demand was raised on the management. Leaving aside the representation of the union, it appears that the union raised the industrial dispute before the conciliation authority. That by itself indicates that the union raised the demand on the management. It is nowhere stipulated in the I. D. Act, particularly in Section 2(k), that the raising of the dispute as such is not enough, but then there should be a demand by the workmen on the management to give rise to an industrial dispute. Thus the argument advanced by Shri Prasad is not at all tenable.

14. Admittedly, CTRI, Rajahmundry, A.P. and for the matter of that C.T.R.I. Research station Pusa, Bihar have got in the establishment certain categories of staff, namely, scientific, technical, administrative, auxiliary and supporting. This is also evidenced from the Manual of Administrative Instruction marked Ext M-16. MW-1 Dr. Tripathy has stated that in all organisation under I.C.A.R. supporting staff are graded as Grade-I, Grade-II and Grade-III and they are considered as Group-D employees. Besides the evidence on record establishes the fact that the establishment have got a number of casual workmen and the concerned workmen are admittedly casual workmen serving in the organisation.

It has been claimed by the sponsoring union that the concerned workmen have been performing the same nature of job as is being performed by the supporting staff Grade-I. MW-1 Dr. Tripathy has stated that all the listed workmen have been doing casual nature of job such as weeding, harvesting, sowing, freshing, hoeing, transplanting, spraying of insecticide, irrigation, channel preparation etc. and that permanent employees of the establishment on supporting staff grade-I have been doing permanent nature of job such as, watching, looking after cattle, laboratory work, work of office peons, issue of implements to workmen and ploughing, field recorders etc. According to him permanent employees are to share more responsible assignment than casual workmen. MW-2 Shri A. K. Pandey has

admitted that there exists no job description for staff belonging to supporting Grade-I to Grade-IV and that Ext. M-15 contains the nature of work generally done by the supporting staff. Ext. M-16 contains the nomenclature of supporting staff and the specifications of job performed by the supporting staff Grade-I can be inferred from the nomenclature. Anyway, MW-2 A. K. Pandey has admitted that Ext. M-8 indicates that casual workmen worked as poughmen, Chowkidar for sometime and that it also indicates that daily rated staff, as the concerned workmen are, and supporting staff have performed the same nature of job on some occasions. According to him casual workmen also perform the job of helper and they also perform the job of chapping of fodder for livestock, watering of plants. He has further admitted that daily rated workers may have been performing the same nature of work as contained in Ext. M-16. WW-1 Bhola Mahato has asserted that there was no difference in the job performed by him as daily rated worker and the job performed by him as the supporting staff in Grade-I. Admittedly, he has been regularised in service and he asserts that there is no difference with the job performed by him after being regularised in service, as supporting staff Grade-I and the jobs of other non-regularised concerned workmen. Thus the evidence on record firmly establishes the position that the concerned workmen as casual workmen have been performing the same nature of work as performed by regular workmen as supporting staff Grade-I.

regard being had to the nature of job performed by the concerned workmen the question of "Equal pay for equal work" comes into play. The sponsoring union has also asserted that the concerned workmen are entitled to equal pay for equal work as supporting staff Grade-I.

It has been held by the Hon'ble Supreme Court and other High Courts that the Central Government, State Governments and likewise all public sector undertakings are expected to function like model and enlightened employers and contention that the principle of equal pay for equal work is an abstract rule which cannot be enforced in a Court of law should be deprecated. In the case reported in 1986 1 LLJ 403 (Surinder Singh and Another and the Engineer-in-Chief, CPWD) and others the Hon'ble Supreme Court has held as follows :—

"Art. 14 of the Constitution declares that there shall be equality before law and equal protection of the law and implicit in it is the further principle that there must be equal pay for work of equal value.

The casual employees who are in the service of the different Nehru Yuvak Kendras in the country and who are admittedly performing the same duties as Class IV employees, must, therefore, get the same salary and conditions of service as Class IV employees. It makes no difference whether they are appointed in sanctioned posts or not. So long as they are performing the same duties, they must receive the same salary and conditions of service as Class IV employees.

In this case, their lordships of the Supreme Court observed that it is not at all desirable that any management and particularly the Central Government should continue to employ persons on casual basis in Organisations which have been in existence for over 12 years. The casual employees were directed to be paid the salary and allowances of Class IV employees with effect from the date when they were respectively employed."

By applying this principle I am constrained to hold that the concerned workmen except those who has been regularised in services as supporting staff Grade-I are entitled to get the same salary and conditions of service as Supporting staff Grade-I.

15. The management has raised an issue by contending that the employment of the concerned casual workmen is on seasonal basis since Tobacco cultivation is essentially a seasonal operation. MW-1 Dr. Tripathy has stated that Tobacco is a winter crop and that the concerned workmen are not required to be employed by the establishment throughout the year and their services are required when

it is considered necessary. Nevertheless, he has admitted that after harvesting of tobacco crop the institute embarks on experimentation by growing other crops such as, jute, maize, mustered, arharar in cropping sequences. He has not provided any answer as to who work for the establishment when such other crops are grown after the harvesting of tobacco is over. He has further admitted that tobacco research work is done throughout the year in the institute. MW-2 A. K. Pandey has stated that save and except the son of the deceased workman all other workmen listed in the order of reference are doing the work regularly except on Sundays and holidays. WW-2 Nagendra Sharma has stated that all the listed workmen in this reference have been working continuously and that the management has introduced rest days on Sundays and Holidays after the present industrial dispute was raised by them before the ALC (C), Patna. Thus from the evidence on record I come to the conclusion that the concerned workmen have been regularly and continuously working in the establishment of C.F.R.I., Research station Pusa.

16. The annexure to the terms of reference discloses the name of the concerned workmen with their particulars and their joining year of the establishment. This disclosure has not been seriously assailed by the management except that the management has taken the position that Shiv Dhari Das workman listed in Sl. No. 41 joined the services in the establishment in 1951 but WW-1 Bhola Mahato has emphatically stated that he knows it for a fact that Shiv Dhari Das was not in service between 1971 and 1974 and that too Shiv Dhari Das told him that he was working in Tobacco Development, Department of Bihar Government at Muzaffarpur. Anyway, the fact remains that out of the concerned workmen Upendra Jha, Sl. No. 1, Ram Narain Thakur, Sl. No. 5 and Shri Dhari Das Sl. No. 41 have since been regularised in service as supporting staff Grade-I. MW-1 Dr. Tripathy has further stated that besides these three workmen, 4 other workmen namely Bhola Mahato (Sl. No. 2), Ram Sreshtha Jha (Sl. No. 4), Rama Paswan, Sl. No. 3 and Satyanarain Thakur, Sl. No. 9 have been regularised in service. It has been asserted by the management that they have been regularised in the services through interview by selection committee duly constituted for the purpose. The union has disputed this position and contended that the management has resorted to discrimination in regularising these workmen to the exclusion of others. Anyway the management has not produced before me the report of the selection committee. In the circumstances, the management has failed to make out an irrefutable position that the regularisation of these workmen was done by selection.

17. In the present reference the sponsoring union has claimed regularisation of the listed 41 workmen and for payment of Group-D wages of Central Government to all of them. I have already pointed out from the evidence on record that 7 of the concerned workmen have already been regularised in services as supporting staff Grade-I in Group-D wages. Admittedly, Ram Chandra Mahato another concerned workman died on 7-1-88 and his son Arun Mahato has been given employment as casual workman. The management has taken the plea that Ram Saran Thakur and Manrai Sah another two concerned workmen have grown very old and not unfit for the job. If they have grown old, they have become sowhile in the service of the research station.

18. In view of my earlier findings that the workmen are entitled to equal pay for doing equal nature of work the concerned workmen except those who have already been regularised in the services and who is dead and whose son has been given employment, all other remaining concerned workmen are entitled to get wages as available to supporting staff Grade-I on Group-D wages. Thus they are entitled to get with effect from 4-11-87 when Upendra Jha, Ram Narain Thakur and Shiv Dhari Das were appointed as Supporting Staff Grade-I.

19. It appears that the Government has issued circulars on different dates for dealing with the casual workmen and absorbing them on regular employment (Fxt. W-1, W-8, M-3, M-4 and M-6). Nothing has been brought to surface that the Government has been deviating from these circulars. Anyway, the concerned workmen except those who have already been regularised and who is dead, have been serving the research station for long. I consider it that it is the bounded duty of the Government to see

that these workmen are not left to grope in the dark for long in order to be regularised in services. In this view of the matter I consider that the management should make a meaningful endeavour to regularise them in service within a space of one year from the date of publication of this Award. Accordingly the following Award is rendered.

"The action of the management of Central Tobacco Research Institute Ranchinagar, Andhra Pradesh in not regularising and not paying group 'D' wages of Central Government to 33 workmen of CTR Station, Pusa Bihar listed with the Annexure-I is not justified. The concerned 33 workmen are entitled to get Group-D wages with effect from 4-11-87 and the management is directed to pay them Group-D wages from that date and to take effective steps for their regularisation within one year from the date of publication of this Award."

In the circumstances, I award no costs.

S. K. MITRA, Presiding Officer
No. L-42011/5-88-D.II (B) (Pt.1)
K. V. B. UNNY, Desk Officer

नई दिल्ली, 30 जनवरी, 1991

का. आ. 577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. की अमलाबद कोल्यरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकरण, (स. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-91 को प्राप्त हुआ था।

New Delhi, the 30th January, 1991

S.O. 577.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Amlabad Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 23-1-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 23 of 1990

PARTIES :

Employers in relation to the management of Amlabad Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra,
Presiding Officer.

APPEARANCES :

On behalf of the employers.—Shri B. Joshi, Advocate

On behalf of the workmen.—Shri A. M. Prasad,
President, Coalfield Labour Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 10th January, 1991

342GI/91—4

AWARD

The present reference arises out of Order No. L-20012-(248)/89-I.R. (Coal-1), dated the 12th February, 1990 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the Schedule to the said order and the said schedule runs as follows :—

"Whether the action of the management of Amlabad Colliery/Project of M/s. Bharat Coking Coal Ltd., P. O. Amlabad Dist. Dhanbad in dismissing Shri Suresh Darhi, General Mazdoor from service w.e.f. 10-10-1989 is justified? If not, to what relief the workman is entitled?"

2 The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an Award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an Award accordingly. The memorandum of settlement shall form part of the Award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer
[No. L-20012/248/89-IR(C-1)]

ANNEXURE—A

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, 1 AT DHANBAD

Reference No. 23/90

Employers in relation to the Management of Amlabad Colliery.

AND

Their Workmen

PETITION OF COMPROMISE

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the above dispute has been amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT

(a) That the concerned workman Sri Suresh Dhari shall be reinstated within 15 days from the date he will report for his duty with continuity of service without back wages. The period of his idleness from the date of his dismissal till the resumption of his duty will be treated as leave without wages "Dies non" for the purpose of payment of Gratuity etc.

(b) That the concerned workman will not absent from his duty unauthorisedly in future.

2. That in view the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above, the Honourable Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the workmen.

- 1.
- 2.
- 3.

Witness :

For the Employers.

- 1.
- 2.
- 3.
- 1.
- 2.

नई दिल्ली, 4 फरवरी, 1991

का. ग्रा. 578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स मेन्ट्रल कोल फील्ड्स लि. की जरांग्दिह कोलयरी के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-91 को प्राप्त हुआ था।

New Delhi, the 4th February, 1991

S.O. 578.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Jarangdih Colliery of Messrs. Central Coal Fields Limited and their workmen, which was received by the Central Government on the 29-1-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 152 of 1989.

PARTIES :

Employers in relation to the management of Jarangdih Colliery of M/s. C.C. Ltd., P. O. Jarangdih, Dist. Giridih,

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra,
Presiding Officer.

APPEARANCES :

For the Employers.—Shri R. S. Murthy, Advocate

For the Workmen.—None.

STATE : Bihar. INDUSTRY : Coal.

Dated, the 21st January, 1991

AWARD

By Order No. L-20012/23/89-I.R. (Coal-I), dated, the 7th November, 1989, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Jarangdih Colliery of CCL, P. C. Jarangdih, Dist. Giridih constitutes violation of the provisions of Sec 9A of the Industrial Disputes Act 1947 in regularising and fixing pay at the initial of Cat. I, Pay-scale in respect of Shri Dina Mondal and 11 other concerned PR workmen is justified? If not, to what relief the workmen concerned are entitled?”

2. The order of reference for adjudication of the industrial dispute was received in the office of this Tribunal on 7-11-1989 and the same was registered as Reference No. 152 of 1989. Thereafter notices were sent to the parties for taking steps by 10-12-1989. On that date none of the parties appeared. Again notices were sent to the parties for appearance and for filing written statement by the union. In response to the notice issued, the management of Jarang-

dih Colliery of M/s. C.C. Ltd. appeared through its Advocate, Shri R. S. Murthy, but the Zonal Secretary, United Coal Works Union did not. In the circumstances, notice was again issued to the Zonal Secretary, United Coal Works Union, No. 4 Area, Bermo, P. O. Jarangdih, Dist. Giridih to show cause by 30-4-90 as to why the case shall not be disposed of according to law. The Zonal Secretary of the union did not appear nor did he take any step. Thereafter, several adjournments were given but the Zonal Secretary remained silent. Hence, I have reason to believe that the party raising the dispute is not interested in pursuing the present industrial dispute.

3. Accordingly, I am constrained to pass a 'no dispute' award in this case.

This is my award

S. K. MITRA, Presiding Officer.
[No. L-20012/23/89-IR. Coal-I)]

का. ग्रा. 579.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लि. की शम्पुर कोलयरी के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-91 को प्राप्त हुआ था।

S.O. 579.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shampur Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29-1-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 167 of 1989.

Employers in relation to the management of Shampur Colliery. Nirsha Area of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra,
Presiding Officer.

APPEARANCES :

For the Employers.—Shri R. S. Murthy, Advocate

For the Workmen.—Shri D. Mukherjee, Secretary,
Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 21st January, 1991

AWARD

By Order No. L-20012(113)/88-D.IV(A)/I.R. (Coal-I), dated, the 15th November, 1989, the Central Government in the Ministry of Labour, has, in exercise of the powers conferr-

ed by clause (d) of sub-section (1) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

मैं ईस्टर्न कोलफील्ड्स लि० कंशापुर कोलियरी में कार्यरत श्री स्माय मांझी के सेवाकाल में मृत्यु के पश्चात् उनके आश्रित पुत्र को राष्ट्रीय कोयला बेतन समझौता-11 को अनुच्छेद 942 के प्रावधानों के मुताबिक नौकरी नहीं दिए जाने की कार्रवाई उचित है ? यदि नहीं, तो कर्मकार किम अनुतोष का अधिकारी है ?

2. Soon after the receipt of the order of reference the same was registered as Reference No. 167 of 1989. Thereafter notices were served upon the parties. Both the parties made their duly appearance but did not file their respective written statement and on their prayer several adjournments were granted. Lastly when the case was fixed for filing written statement, documents etc. Shri D. Mukherjee representing the workmen submitted before me that he was not interested to take any steps in the industrial dispute and as such the case be disposed of according to law. I heard both the parties and it appears to me that there is no industrial dispute existing between the workman and the employers. In the circumstances, I am constrained to pass a 'no dispute' award.

This is my award.

S. K. MITRA, Presiding Officer.
[No. L-20012/113 '88-IR. Coal-I]

आदेश

नई दिल्ली, 5 फरवरी, 1991

का. आ. 580.—ईस्टर्न कोलफील्ड्स लिमिटेड का बराकर इंजीनियरिंग एण्ड फौंड्री वर्क्स के प्रबन्धन से संबंध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व धनबाद कोलियरी कर्मचारी संघ करती है, एक औद्योगिक विवाद विद्यमान है,

और उक्त नियोजकों और कर्मकारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10क की उपधारा (1) के उपबंधों के अनुसरण में एक लिखित करार उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थता के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थता करार केन्द्रीय सरकार को भेजी गयी है,

अतः अब उक्त अधिनियम की धारा 10क की उपधारा (3) के उपबंधों के अनुसरण में केन्द्रीय सरकार अनुबंध में निर्दिष्ट उक्त माध्यस्थता करार को प्रकाशित करती है।

ORDER

Now Delhi, the 5th February, 1991

S.O. 580.—Whereas an industrial dispute exists between the employers in relation to the management of Barakar Engineering and Foundry Workers of Eastern Coalfields Ltd., and the workmen represented by Dhanbad Colliery Karmchari Sangh;

And whereas, the said employers and their workmen have by a written agreement under Sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now therefore, in pursuance of sub-section (3) of Section 10A of the said Act, the Central Government hereby publishes the said agreement as shown in the annexure.

ANNEXURE

FORM-'C'
(See Rule 7)

AGREEMENT

(Under Section 10-A of the Industrial Disputes Act, 1947).

BETWEEN :

Names of the parties :

Representing employers :

Shri G. D. Jha, General Manager, Barakar Engineering & Foundry Works of M/s. Eastern Coalfields Limited, Post Nirsha, Distt Dhanbad.

Representing workmen/workman :

Shri D. K. Dey Organising Secretary, Dhanbad Colliery Karmchari Sangh, Near C.M.P.F. Office, Dhanbad.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri S. K. Mukhopadhyay, Regional Labour Commissioner (Central), Bombay.

(i) Specific matters in dispute :—

"Whether the demand of Dhanbad Colliery Karmchari Sangh for employment of S/Shri Bishram Yadav and Rameshwar Yadav in Barakar Engineering and Foundry Work of M/s. Eastern Coalfields Limited is justified ? If so to what relief they are entitled ?"

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

(a) Management of Barakar Engineering & Foundry Works of M/s. Eastern Coalfields Limited, Post Nirsa, Distt. Dhanbad.

(b) Dhanbad Colliery Karmchari Sangh, Near C.M.P.F. Office, Post. Jagiwan Nagar, Dist. Dhanbad.

(iii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question.

(iv) Total number of workmen employed in the undertaking effected.

382 (Approx)

(v) Estimated number of workmen affected or likely to be affected by the dispute.

2 (Two)

We further agree that the majority decisions of the arbitrator(s) be binding on us in case the arbitrators are equally divided in their opinion, they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator(s) shall make their award within a period of 3 (Three) months from the date of publication of this agreement in the official Gazette by the appropriate Government or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of parties :

Representing employer :

(G. D. JHA)

General Manager.

Workman/Representing workman/workmen.

(D. K. Dey)

Organising Secretary.

WITNESSES :

(1) (Shekhar Sharma)

(2) (H. L. Manjhee)

Copy to :—

(i) The Asstt. Labour Commissioner (Central), Dhanbad-I.

(ii) The Regional Labour Commissioner (Central), Dhanbad.

(iii) The Chief Labour Commissioner (Central), New Delhi.

(iv) The Secretary to the Government of India, Ministry of Labour, New Delhi.

I have given my count to act as an Arbitrator.

(S. K. MUKHOPADHYAY)
[No. L-20025 (36)/90-IR. (Coal-1)]
K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 31 जनवरी, 1991

का. आ. 581.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबन्धतंत्र के संबंध निराजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पक्षपट की प्रकाशित करती है, जो केन्द्रीय सरकार का 29-1-91 को प्राप्त हुआ था।

New Delhi, the 31st January, 1991

S.O. 581.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the Life Insurance Corporation of India and their workmen, which was received by the Central Government on 29-1-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(25)/1988

PARTIES :

Employers in relation to the management of Life Insurance Corporation of India, Jiwan Prakash, Madan Mahal, Nagpur Road, P.B. No. 17, Jabalpur-482001 and their workman, Shri S. P. Srivas, 491, Kharkhar Ki Bawli, Bhanatolia Hanuman, Jabalpur (M.P.).

APPEARANCES :

For Workman—Shri R. K. Gupta, Advocate.

For Management—Shri A. G. Dhande, Advocate.

INDUSTRY : Life Insurance Corporation. DISRICT : Jabalpur (M.P.).

AWARD

Dated, January 15, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No L-17012/37/87-D.IV(A., dated 29-2-1988, for adjudication of the following dispute :—

“Whether the action of the management of Life Insurance Corporation of India, Jabalpur, in terminating the services of Shri S. P. Srivas, Development Officer, w.e.f. 24-7-1986, is justified? If not, to what relief the concerned workman is entitled to?”

2. Undisputed facts of the case are that the workman was last posted as Development Officer in Life Insurance Corporation of India at Mandla Branch Office and was dismissed from service vide order dated 24-7-1986 after giving a charge-sheet to him and holding departmental enquiry.

3. The case of the workman in brief is that he was issued a charge-sheet on 14-3-1984 in relation to the incident dated 15-11-1982. It was false and frivolous. Reply of the workman to the charge-sheet was not considered. The Enquiry Officer fixed dates with a view to pursue the attendance of the complainant on whose basis the charge was framed and issued,

but the complainant did not turn up either to prove his complaint or support his charge against the workman and consequently no witnesses were examined in support of the charges. Thus there was no evidence against the workman.

4. The Enquiry Officer submitted his report on 13-12-1984 holding the workman not guilty but in spite of the same a show cause notice was issued to him and the Divisional Manager differing with the findings of the Enquiry Officer proposed punishment of dismissal of the workman. The findings of the Divisional Manager are without any basis and as such mala fide. While inflicting the penalty of dismissal his 23 years service record was not considered. Thus the punishment was excessive. An appeal was filed but that too was rejected. The enquiry is, therefore, liable to be vitiated. The punishment deserves to be set aside and the workman is entitled to reinstatement with all back wages and consequential reliefs.

5. According to the management, the complainant did turn up on 27-9-1984 but because of the absence of workman despite notice his evidence could not be recorded. During the course of enquiry the workman presented a letter on 10-12-1984 obtained from the complainant to the effect that the complainant withdraws his complaint and that he had no complaint against him. Obviously, the workman made efforts to win over the complainant. The workman was also informed not to collect the amount from policy holders unauthorisedly.

6. The Enquiry Officer held that the charges against him were amply proved, findings are recorded on the basis of the evidence on record and action taken was just and proper. There was no violation of any principles of natural justice. However, on appeal taking a lenient view purely on humanitarian grounds penalty of dismissal was modified into one of removal vide order dated 15-4-1987. There was no mala fide. Punishment is adequate the charges being severe. Workman is not entitled to any relief as claimed. Hence the reference is liable to be rejected.

7. Following issues were framed by my learned predecessor and my findings are recorded against each of them.

ISSUES

1. Whether the domestic/departmental enquiry is proper and legal?
2. Whether the punishment awarded is proper and legal?
3. Whether the management is entitled to lead evidence before this Tribunal?
4. Whether the termination/action taken against the workman is justified on the facts of the case?
5. Relief and costs.

FINDINGS WITH REASONS

8. Issue Nos. 1 to 5.—I will take up all the issues together. Neither the workman has raised any legal point to challenge the validity of the departmental enquiry nor the management has sought permission for leading evidence in case the departmental enquiry is vitiated, hence arguments were heard on all the issues after the parties closed their respective cases and the award is being passed accordingly.

9. The substantial point raised by the workman in regard to the validity of the findings of the Disciplinary Authority and his consequential dismissal from service is that there is no evidence against the workman and therefore the order of dismissal is perverse inasmuch as not only the complainant has not come forward to substantiate his complaint but also the complainant had withdrew his complaint in writing. On this alone, the findings of the Disciplinary Authority as also the action taken against him are liable to be quashed.

10. The charges framed against the workman concerned are as follows :—

“That you collected Rs. 5,000 in cash from Shri Rai Singh Markam. S/o Shri Puhup Singh Markam of Village Lakho, P.O. Chhanta, Tahsil Dindori on 15-11-1982 towards First Premium under a new proposal on his own life, out of which you deposited

a sum of Rs. 2,500 only on 18-11-1982 vide Bank Receipt No. 2803. You have not so far accounted for the balance amount of Rs. 2,500.

Your conduct as aforesaid tantamounts to misappropriation of the amount of Rs. 2,500 out of the total amount of Rs. 5,000 collected from the proponent and you have thereby acted in a manner prejudicial to good conduct and detrimental to the interest of the Corporation and committed breach of the provisions of Regulations 21 and 24 of the LIC (Staff) Regulations, 1960 for which any one or more of the penalties as specified in Regulation 39(1)(a) to (g) can be imposed upon you."

11. It appears that the workman collected Rs. 5,000 in cash from Shri Rai Singh Markam S/o Shri Puhup Singh Markam of Village Lakho, P.O. Chhanta, District Dindori on 15-11-1982 towards the first premium under a new proposal on his own life out of which he deposited a sum of Rs. 2,500 only on 18-11-1982 vide paying Receipt No. 2803. Thus according to the management, the workman has not accounted for the balance amount of Rs. 2,500. The complaint is said to have been made by Shri Rai Singh Markam on 13-1-84 after a lapse of more than one year. But he did not appear to substantiate his complaint. On the other hand, the workman has not only shown that Shri Markam had withdrawn his complaint but he has explained the circumstances in which though he had recovered Rs. 5,000 from the complainant but he had returned Rs. 2,500 on 20/21-11-1982 i.e. 5-6 days after the alleged receipt. According to him, the complainant had told him that he would not be able to pay the instalment @ Rs. 5,000 and therefore he requested for reduction of insurance premium to Rs. 2,500 and hence he had only deposited Rs. 2,500 and returned the balance on 20/21-11-82 to the complainant and after obtaining back Kachchi Receipt given to him he destroyed the same. Thus there was neither an intention of misappropriation nor did he misappropriate the alleged amount. It is true that the temporary embezzlement is an embezzlement in the eyes of law and therefore the charge framed is proper and if it could be established that the workman had temporarily embezzled the said amount out of Rs. 5,000 it would amount that it was an embezzlement in the eyes of law and the workman was punishable for his misconduct.

12. But here is a positive case of the workman which is corroborated by the evidence adduced by him while the management does not find support to its case from any corner whatsoever and for this reason only the Enquiry Officer vide his report dated 13-12-1984 had given a positive finding to the effect that no charges are established against the workman concerned.

13. The Enquiry Officer has given a detailed discussions of the facts and circumstances of the case in arriving at his conclusion and has specifically pointed out that the complainant has not scribbled the complaint himself but by Shri Narendra Kumar Jain who was a rival to the workman concerned and was associated with the complainant (See D.E. Files Article A & B—page 3, para 3 of the Enquiry Report).

14. Circumstances may be otherwise and the workman may have manipulated to win over the complainant and made out his defence but unfortunately we cannot go by assumptions and presumptions and therefore the findings of the Disciplinary Authority, being based on no evidence, are perverse and are liable to be quashed.

15. Thus even though the enquiry is not vitiated on the basis of any procedural defect it stands vitiated due to perversity of findings and the workman is entitled to reinstatement, but looking to the facts and circumstances of this case the workman though would be entitled to the continuity of service but without any back wages. I accordingly record my findings as follows :—

1. Domestic/departmental enquiry is though proper and legal but it stands vitiated due to perversity of findings of the Disciplinary Authority.
2. Punishment awarded is not proper and legal.
3. Question of management's entitlement to lead evidence before this Tribunal does not arise as the management has not sought such permission.

4. Termination/action taken against the workman is not justified on the facts of the case.

5. Workman concerned is entitled to reinstatement with continuity of service and all consequential benefits but without any back wages and costs of the proceedings.

Reference is therefore answered as under :—

That the action of the management of Life Insurance Corporation of India, Jabalpur, in terminating the services of Shri S. P. Srivas, Development Officer, w.e.f. 24-7-1986 is not justified. He is entitled to be reinstated with continuity of service and all consequential benefits but without any back wages till this date. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-17012/37/87-D. IV (A)]

का. आ. 582.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिन्डिकेट बैंक के प्रबन्धतंत्र के संवद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-91 को प्राप्त हुआ था।

S.O. 582.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Bombay as shown in the Industrial dispute between the employers in relation to the Syndicate Bank and their workmen, which was received by the Central Government on 29-1-91

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/10 of 1989

PARTIES :

Employers in Relation to the Management of Syndicate Bank.

AND
Their Workmen

APPEARANCES :

For the Employers—Shri U. V. Kukkilaya, Asstt Personal Manager

For the Workman—Shri M. B. Anchan, Advocate.

STATE . Maharashtra. INDUSTRY . Banking.

Bombay, dated the 11th January, 1991

AWARD

The Central Government by their Order No. L-12012/9/89-D II(A) dated 13-4-1989 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

"Hhethen the action of the management of Syndicate Bank in dismissing from service Shri P. D. Wagh is justified ? If not, to what relief is the workmen entitled ?"

2. The case of the workman Shri P. D. Wagh as disclosed from the statement of claim (Ex. 2) filed on his behalf by the Joint Secretary, Syndicate Bank Employees' Union, in short, is thus :—

The workman Shri P. D. Wagh was working as an Attender at the Nagpur Law College Square Branch in February 1983. On 2-2-1983 one Shri P. G. Dange, his friend and close neighbour, approached him at the said branch to open a Savings Bank Account to

encash a cheque for Rs. 866.40. Shri Dange's wife was then in advanced stage of pregnancy and he was in great need of money. Before leaving the Branch, Shri Dange had approached the Officer-in-charge of Savings Bank Department, namely, Shri Rao. Shri Dange had also signed the pay-in-slip for depositing the cheque and requested the workman to open an account in his name, to withdraw the amount and to pay it him. After Shri Dange left the Branch, the workman filled in the Account opening form and submitted to the Branch Manager, and the Branch Manager verified that form and the workman Shri Wagh put his signature in the column of introducer. Accordingly the workman put his signature and the Branch Manager opened the Savings Bank Account of Shri Dange on the signature of the workman. The workman deposited the cheque. He also filled in the withdrawal slip and presented it for payment. After verifying the signature the officer-in-charge passed the withdrawal slip for payment and the amount was paid to the workman Shri Wagh. The workman then paid that amount to the customer Shri Dange. The said account was opened in the name of Shri Dange by the workman with full knowledge of the Branch Manager and with the consent of Shri Dange. After that account was opened, the customer Shri Dange continued with the said account and deposited a cheque for Rs. 2145.00 on 20-4-1983 and he had withdrawn the said amount on 22-4-1983. On 20-12-84 the Bank issued a Memo, to the workman Shri Wagh alleging :

- (1) Committing an act of opening an account purporting to be the one of Shri P. G. Dange in order to encash his cheque for his own use and deriving unlawful pecuniary gain at the cost of a depositor of the Bank; and
- (2) for affixing some illegible signature on the local delivery book to mislead the branch in believing that the workman had delivered the pay orders and thereby falsifying of books.

The workman submitted his explanation to that Memo on 9-4-1985. Thereafter the Bank by the letter dated 1-8-1985 converted that Memo into a chargesheet and appointed an enquiry officer to hold an enquiry into the said charges. The Enquiry Officer after holding the enquiry examined the workman of the second charge and held the workman guilty on the first charge. On the basis of the Enquiry Officer's report the workman came to be dismissed from service of the Bank from 18-11-1987. Against that order the workman preferred an appeal to the Appellate authority. That authority dismissed that appeal. Thereafter the workman raised an industrial dispute before the Assistant Labour Commissioner (C) Nagpur and as the conciliation proceedings ended in failure the Central Government made the reference as above.

3. The Union further contended thus :—

The charges framed against the workman are bad in law and such the enquiry held against him is vitiated. No proper and regular chargesheet was issued to the workman. No proper opportunity was given to him to give his reply to any regular chargesheet. As no regular chargesheet was issued to the workman, the subsequent enquiry held against him is bad in law and against the principles of natural justice. The Bank had converted the said Memo into a chargesheet only to deny the workman his legitimate promotion after a regular selection. The said Memo and the chargesheet had been issued by the Dy. General Manager. However, the Enquiry Officer was appointed and the order of dismissal was passed by the Asstt. General Manager. The Asstt. General Manager had no authority to appoint the Enquiry Officer and to dismiss the workman. As such the subsequent enquiry is bad in law. The Bank had failed to examine the concerned Officer Shri Rao of the S.B. Department in the enquiry, instead had examined one Shri Prabhu who was not at all con-

cerned in the matter. As Shri Rao has not been examined, the workman did not get the opportunity to cross-examine him. Even though the Enquiry Officer had relied on the report of the Investigating Officer in his report, the copy of the investigating report was not made available to the workman during the enquiry. The Enquiry Officer was biased against the workman, and the findings are perverse. The Bank did not examine the customer Shri Dange. There was no complaint from Shri Dange that the account was opened by the workman without his knowledge and that the workman had not paid to Shri Dange the money the workman had withdrawn from the Bank. The witness who was examined, had no knowledge of the incident and his evidence is only hearsay.

4 The Union further stated thus :—

The workman is an ex-serviceman. He had served the Armed Forces from 1961 to 1978 for 17 years. During the period of his service he had received 9 gallantry awards. He had served the Bank very sincerely, honestly and diligently and the Bank did not have an occasion to make any complaint against him. While dismissing the workman from service the Bank did not take into account his past records. The dismissal order is disproportionate to the said charge.

The Union, therefore, lastly prayed that the workman may be directed to be reinstated in service with full back wages and continuity of service.

5. The Bank by its written statement (Ex. 3) contested the said claim of the Union, and in substance contended thus:—

The workman Shri Wagh was working as an Attender at Law College Square Branch of the Bank, Nagpur, who was chargesheeted for committing certain misconducts. His reply was found unsatisfactory, and hence a departmental enquiry was held against him. A fair just and adequate opportunity was given to him to defend himself during the enquiry proceedings which were held as per the rules of natural justice. The Enquiry Officer found the workman guilty of the first charge i.e. doing an act prejudicial to the interests of the Bank. Considering the gravity of the misconduct and the past record of the workman, the Disciplinary Authority awarded the punishment of dismissal from service to that workman. At every stage of the enquiry proceedings the workman was given adequate, fair and just opportunity to defend himself.

6. The Bank management further contended thus:—

While working at the said Branch, the workman Shri Wagh had availed himself of leave on 2-2-1983, but on that day he had come to that Branch. On that day one Shri Prabhakar Govind Dange, Linesman working in M.S.E.B. Nagpur, approached the branch intending to open a new S.B. account to collect the proceeds of a cheque through that account. The Cheque was for Rs. 866.48. The workman Shri Wagh assisted the customer Shri Dange in securing the credit slip and in filling up that credit slip for Rs. 866.48 and obtained the signature of Shri Dange. The customer Shri Dange handed over the instrument for collection to the workman and to credit the proceeds in the new Savings Bank account that must be opened on that day. The customer Shri Dange left the Branch without opening the account in order to secure an introduction for the new Savings Bank account. After Shri Dange left the Branch, the workman Shri Wagh secured a set of account opening forms, filled in in his own handwriting and signed the forms and the specimen signature cards as 'Prabhakar' in Hindi. Shri Prabhakar was the customer Shri Dange. After paying an amount of Rs. 5 towards the initial deposit, the workman Shri Wagh managed to open an account in the name of Shri P. G. Dange by introducing the account himself. The said cheque for Rs. 866.48 was credited into the newly opened Savings Bank account. Shri Wagh then obtained a withdrawal form, and through

it withdrew the amount of Rs. 866 from the newly opened account on the said day i.e. 2-2-1983. The withdrawal slip was written by the workman himself and put his signature thereon purporting to be that of the customer Shri Dange as Prabhakar in Hindi. While encashing the withdrawal form, the workman had represented the Savings Bank Officer Shri Srinath Rao that the customer Shri Dange was waiting outside the Bank. Thereafter while the matter was under investigation, the Vigilance Officer Shri Gopal Rao questioned about the documents, and the workman admitted before him of having opened the account as above and of withdrawing the amount of Rs. 866 therefrom. He further told the Officer Shri Rao that he had already repaid the amount to the Customer Shri Dange. Thus the workman had committed the fact of opening of an account purporting to be one of Shri P. G. Dange in order to encash his cheque for his own use. By encashing the said cheque as above, the workman had derived unlawful pecuniary gain at the cost of the customer of the Bank.

7 After the order of dismissal was passed against the workman, he preferred an appeal to the Appellate authority. The Appellate authority had given him personal hearing and after considering the past record, dismissed the appeal. Before the order of dismissal was passed against the workman, he was given an opportunity of being heard. The statement of the workman that the said acts were done by him with the full knowledge of Shri Rao, Asstt. Manager, Manager, Shri H. S. Prabhu and the customer Shri P. G. Dange, are false. The appointment of the Enquiry Officer was done by Dy. General Manager, and not by the Asstt. General Manager as alleged by the workman. Further the Dy. General Manager and the Asstt. General Manager have been empowered with certain powers under the provisions of First Bipartite Settlement dated 19-10-1966 as modified by para. 3(b) of the Bipartite Settlement dated 31-10-1979. As such the Dy. General Manager is competent to issue the necessary chargesheet, and to appoint Enquiry Officer. The Assistant General Manager was also competent to take disciplinary action against the workman working in his zone. As such the order of dismissal passed by the Asstt. General Manager, Pune, is quite just and proper. Shri Prabhu was then the Branch Manager of the said Branch and as such, was a material witness for the management against the workman. After the evidence of the management witness was over, an opportunity was given to the workman to examine the witnesses on his behalf. However, no witness was examined on his behalf. Therefore, the workman could have examined the officer Shri Rao of the Savings Bank Department on his behalf. The statement of the workman that the Enquiry Officer was biased against him and his findings are perverse, is not true and correct. His findings are just and proper based on evidence on record.

8 The Bank management then further contended thus :

The said workman had served in the military from 7-11-1962 to 23-4-1978 and not from 1961 to 1978. The medals secured by him are in the nature of service medals and bestowed on him by virtue of having served in battle areas. Further the medals secured by him are 7 and not 9, as stated by him. These medals do not speak of exceptional or distinguished service. They are for service and not for integrity. It is not true that the Bank did not have any occasion to make any complaint against him. On an earlier occasion also, a chargesheet was issued to him alleging that he issued cheques without balance in his account and the punishment of warning was issued to him. He used to remain absent often and again and he was warned for it. The Disciplinary Authority had gone through his past record before giving his final order.

The Bank management therefore prayed that their action is fair and justified and the workman is not entitled to any relief.

9 Issues framed at Ex. 4 are :—

- (1) Whether no regular chargesheet was issued by the Bank management against the workman Shri P. D. Wagh?

- (2) Whether the appointment of the Enquiry Officer was made by the Dy. General Manager?
- (3) Whether the Asstt. General Manager was competent to appoint the Enquiry Officer?
- (4) Whether the Asstt. General Manager was competent to pass the dismissal order of the workman?
- (5) Whether the Enquiry held against the workman was bad in law, illegal and was conducted against the principles of natural justice?
- (6) Whether the Enquiry Officer had bias against the workman, and his findings are perverse?
- (7) Whether the action of the management of Syndicate Bank in dismissing from service Shri P. D. Wagh is justified?
- (8) If not, to what relief is the workman justified?
- (9) What Award?

10. My findings on the said issues are :—

- (1) Proper chargesheet was issued.
- (2) Yes
- (3) Does not survive
- (4) Yes
- (5) No
- (6) No
- (7) Yes
- (8) Nil
- (9) As per award below :—

REASONS

ISSUES NOS. 1, 5 AND 6

11. Shri J. Ganeshwara Rao, Assistant General Manager, filed his affidavit in support of the case of the Bank at Ex. 15 and he was cross-examined on behalf of the workman. No oral evidence was led on behalf of the workman. According to the workman, no regular chargesheet was issued against him by the Bank management, that the enquiry held against him was bad in law and conducted against the principles of natural justice and that the Enquiry Officer had a bias against him and his findings are perverse. I find, as can be seen from the following discussions, that it is not so. It is true that no chargesheet as such was issued by the Bank management against the workman. However, a letter dated 20-12-1984 (Ex 5) was sent by the Dy. General Manager to the workman and its contents which are at great length mentioned the particulars of the allegations made against him. Those allegations and the charges in substance are thus:—

"While you were working as Attender at the Nagpur Law College square branch, you were on leave on 2-2-1983, but you had come to the Branch on that day. One Shri P. G. Dange working as lineman in M.S.E.B. Nagpur came at that Branch on that day intending to open a new Savings Bank Account and to collect the proceeds of a cheque through that new account. When Shri Dange came to the Branch you assisted him to secure the credit slip and in filling up the said credit slip on 2-2-1983 for Rs. 866.48 and obtained the signature of Shri Dange. You then handed over the instrument in the Branch with a request to send the instrument in clearing, and credit the proceeds to the new S.B. account to be opened on that day. Meanwhile Shri Dange left the office without opening the account in order to secure an introduction for the new S.B. Account. After Shri Dange left the Branch, you secured a set of account opening forms, filed the same in your own handwriting and signed the forms and specimen signature cards in Hindi as 'Prabhakar.' After paying the initial deposit of Rs. 5 you managed to open the account in the name of Shri P. G. Dange by introducing the account yourself as introducer. You filled in the withdrawal slip and withdrew an amount of Rs. 866 from S.B. Account No. 12064 on 2-2-1983 of Shri P. G. Dange. That withdrawal slip was written by you in your own handwriting and you have affixed the signature thereon as of Shri P. G. Dange as 'Prabhakar' in Hindi. While encashing the

withdrawal form, you had represented to Shri Srinath Rao, Officer who was supervising the S.B. Account at that time, that Shri P. G. Dange was waiting outside the Bank. While the matter was under investigation, the Vigilance Officer Shri Gopal Rao questioned you, and you admitted before him of having opened the account in the above manner and also having withdrawn the amount of Rs. 866. You further told Shri Rao that you have already repaid the money to Shri Prabhakar G. Dange and that you had committed the above act as you were very much in need of money. You have thus committed an act of opening an account purporting to be the one of Shri P. G. Dange in order to encash his cheque for your own use. By encashing the said cheque in the above manner, you have derived unlawful pecuniary gain at the cost of a Depositor of the Bank."

Thus even though no regular charge sheet was issued against the workman, all the charges were made known sufficiently in advance, and no prejudice was caused to the workman. This letter further contained the particulars of other charge of which later on he came to be exonerated. By other letter dated 1-8-1985 (Ex. 6) some additions were to the said charge for committing the said misconduct. By that letter the Bank charged "you have committed a gross misconduct of an act prejudicial to the interest of the Bank, vide clause 19.5(j) of the Bipartite Settlement". Thus, nothing more is added by the said additions regarding the question of facts and only the clause of the Bipartite Settlement was informed to the workman. It is further seen from the letter dated 1-10-1985 (Ex. 7) from the Dy. General Manager that an opportunity was given to the workman to file his say to the said charges contained in the said letter, and that accordingly the workman had filed his say by letter dated 9-4-1985. The Dy. General Manager by his letter dated 1-10-1985 informed the workman that as his explanation was found not satisfactory, an enquiry was being held by appointing an Enquiry Officer to conduct an enquiry in the matter. Thus the workman was aware of the charges before the enquiry started against him. Shri S. Mohantv was appointed as the Enquiry Officer. It is seen from the letter (Ex. 10) by the Presenting Officer addressed to the Enquiry Officer that the Presenting Officer had filed a list of documents to be relied upon by the Bank management and also about the name of the witness to be examined on behalf of the Bank management. It is seen from the proceedings dated 11-10-1985 (Ex. 11) that the Enquiry Officer had read out the contents of the said letter dated 20-12-1984 and also the contents of letter dated 1-8-1985 to the workman and had questioned the workman if he had understood the charges levelled against him, and the workman replied that he understood the contents mentioned therein fully. The proceedings were then adjourned to 28-11-1985. On that day also the Enquiry Officer read out the charges levelled against the workman and asked whether he understood them, and he and his defence representative stated that they had fully understood the charges levelled against the workman. Therefore, even though no regular chargesheet was issued against the workman and asked whether he understood them, and he and his defence representative stated that they had fully understood the charges levelled against the workman. Thereafter, the Examination-in-Chief of Shri H. S. Prabhu, then working as the Manager of the said Branch was recorded. It is seen from the Enquiry proceedings that the said witness was cross-examined at a very great length on behalf of the workman. After the cross-examination of the witness was over, the Bank management was allowed to re-examine that witness and thereafter the workman was also allowed to further cross-examine that witness. As such, the rules of natural justice were followed in holding the enquiry, and this shows that the Enquiry Officer had absolutely no bias against the workman. After the evidence of the witness Shri Prabhu was over, the workman was asked to lead oral evidence on his behalf, but it was stated on his behalf that no oral evidence was to be led on his behalf. As such no oral evidence was led before the Enquiry Officer on behalf of the workman during the enquiry proceedings. He only wanted to rely upon the different documents. Thereafter the Enquiry Officer had put some questions to the workman. I therefore find that the enquiry was

held properly and the rules of natural justice were followed during the enquiry. By the report dated 28-2-1987 the Enquiry Officer found the workman guilty of the first charge of committing of gross misconduct, which was prejudicial to the interest of the Bank as per clause 19.5(j) of the Bipartite Settlements. Thereafter, by letter dated 29-6-1987 (Ex. 21) the Asstt. General Manager informed the workman that on going through the Enquiry report he had come to the conclusion that the workman deserved the punishment of dismissal from service and that he would be given the personal hearing by the Asstt. General Manager before passing the final orders. It is further seen that the workman and his defence representative had appeared before the Disciplinary authority on 21-9-1987 and the workman filed his representation (Ex. 22A). By the letter dated 9-11-1987 the Disciplinary authority passed the order of dismissal from service against the workman. It will be seen from the proceedings before the Asstt. General Manager dated 9-11-1987 which is a very lengthy one that on the basis of the records placed before him the said order of dismissal was passed, against that order the workman had filed his appeal dated 28-12-1987 (Ex. 24) to the Dy. General Manager i.e. the Appellate Authority. On 9-2-1988 the workman appeared in person along with his defence representative before the Appellate authority, and filed his written submission (Ex. 25) before that authority. The Appellate authority by his letter dated 20-2-1988 (Ex. 26) dismissed the appeal and confirmed the punishment of dismissal from service passed against the workman. This order of the Appellate authority i.e. General Manager, as can be seen, is also very lengthy one, and as such all points were taken into consideration. I therefore find that proper opportunity was given to the workman and the rules of natural justice were followed in the enquiry held against the workman and that the Enquiry Officer had absolutely no bias against the workman. Issues Nos. 1, 5 and 6 are found accordingly.

ISSUES NOS. 2, 3 AND 4

12. According to the workman, the Asstt. General Manager was not competent to appoint the Enquiry Officer, and he was also not competent to pass the order of dismissal against him. However, it is seen that the appointment of the Enquiry Officer was made, not by the Asstt. General Manager, but by the Dy. General Manager who was competent in the matter. The letter dated 1-10-1985 (Ex. 7) that the Enquiry Officer was being appointed, was sent by the Dy. General Manager, and not by the Asstt. General Manager to the workman. Ex. 8 is a copy of circular (notice) issued by the Dy. General Manager. This notice stated that the officers mentioned therein including the Asstt. General Managers were empowered to take disciplinary action including passing of original orders in terms of the Bipartite Settlement in respect of the workmen in the case of all branches and offices of the Bank coming under the region. As such the Asstt. General Manager was authorised to take disciplinary action which includes the authority to appoint the Enquiry Officer, and also to pass the order of dismissal against the workman concerned. Therefore, the Asstt. General Manager was competent to pass the dismissal order against the workman. A similar letter was also issued by the General Manager dated 15-10-1985 (Ex. 9) authorising the Asstt. General Manager to take the disciplinary action in terms of the Bipartite Settlement in respect of all the workman/part-time workman employees working in their respective zones. Issues Nos. 2, 3 and 4 are found accordingly.

ISSUES NOS. 7 and 8.

13. I have gone through the report of the Enquiry Officer and I find that his findings are based on the oral and documentary evidence on record before him, are just and proper, and not perverse.

14. According to the Union, the action of the Bank management in dismissing the workman Shri P. D. Wagh from service is not justified. I find that it is quite justified. Ex. 20 is a copy of the complaint made by the customer Shri P. G. Dange to the Branch Manager of the Bank at Nampur. In this complaint the customer Shri Dange had alleged that he had requested the workman Shri Wagh to open a Savings Bank Account in his name and that he learnt from the workman that the account was opened and the cheque for Rs. 866.48 was deposited in the account and amount of Rs. 856 was withdrawn by him and he did not pay that amount to him. It is true that this complaint was lodged by the customer

Shri Dange with the Bank about one year and five months after the opening of the Savings Bank Account. Further, it seems that this complaint was not produced before the Enquiry Officer during the enquiry proceedings. According to the workman, the Bank management got this complaint prepared and signed from the customer Shri Dange subsequently. However, irrespective of the complaint there is documentary evidence on record to show that the savings Bank account was opened by the workman, that the cheque was deposited by him in the account and the amount was withdrawn from the account by the workman. Exhibits 17 and 18 are the copies of specimen signature cards. There is the signature in Hindi as Prabhakar of the customer Shri P. G. Dange on the specimen signature card at Ex. 17. There is also the signature in English of the Customer Shri P. G. Dange on the Card at Ex. 18. It can, very well be seen that the alleged signature as Prabhakar in Hindi is quite different from the genuine signature in English of the customer Shri P. G. Dange on the document at Ex. 18. As such the workman forged the signature of the customer Shri Dange on the documents Ex. 17 and opened the account and then withdrew the said amount from that account. Ex. 19 is a copy of the ledger sheet relating to the account of the customer Shri P. G. Dange. This Ledger-sheet also shows that a cheque for Rs. 866.48 was deposited in the account on 2-2-1983 and on the same day the amount of Rs. 866 was withdrawn. Therefore, it is an established fact that the amount of Rs. 866 was withdrawn from the account of the Customer Shri Dange. According to the workman, he had immediately paid that amount to Shri Dange. It is true that the Customer Shri Dange has not been examined as a witness by the Bank management during the enquiry proceedings. However, the workman could have and should have examined this customer Shri Dange as a witness on his behalf to show that the said account was opened by him with the knowledge and consent of the customer Shri Dange and that he had immediately paid the amount of Rs. 866 to Shri Dange, who was his friend and close neighbour. However, the workman did not examine him. Therefore, the said document Ex. 17 can be relied upon to infer and conclude that the amount withdrawn by the workman was not paid by him to Shri Dange. In case the account was really opened with the knowledge and consent of Shri Dange, the customer, and in case the amount was paid to the customer Shri Dange, then there was no reason for the Bank management to issue the said letter dated 20-12-1984 (Ex. 5) containing the details of the charges against him. According to the workman, the Bank management issued that letter to him only with a view to deprive him of his promotion. I am unable to accept this accept this contention of the workman.

13. After the evidence of the Bank management was over, during the enquiry proceeding the Enquiry Officer himself put some questions to the workman and in reply the workman stated thus:—

"I had filled in the Account opening form in question. Signature on the withdrawal slip was mine. The signature appearing in the place of depositor is mine."

Thus the workman admitted before the Enquiry Officer of having opened the Account in question and of having signed the withdrawal slip. Whereby the workman withdrew the said amount from the said Account. I therefore find that the workman by forging the signature of the customer Shri Dange as Prabhakar on the document, and by withdrawing the amount of Rs. 866 from the account of the customer Shri Dange and not paying that amount to him, he committed gross misconduct which was prejudicial to the interests of the Bank as contemplated under clause 19.5 (i) of the Bipartite Settlement. According to the workman, the punishment of dismissal from service awarded to him is too harsh and that his past service record was very good. I find that the past service record of the workman is not as good as claimed by him. The Bank management stated in para 10 of the written statement that on earlier occasions also the workman was awarded punishment of warning as he had issued cheques without balance in his account. Further, he used to remain absent frequently and the necessary Memos were issued to him. Therefore even though the workman might have got the service medals for the service in the Military taking into consideration the past service record in the Bank, the punishment of dismissal awarded by the Bank cannot be considered disproportionate to the charges levelled against him. In the result, I find that the action of the Bank management in dis-

missing the workman from service is just and proper. Issue No. 7 is therefore found in the affirmative. As such the workman is not entitled to no relief. Issue No. 8 is found accordingly.

ISSUE NO. 9

14. The following award is therefore passed.

AWARD

The action of the management of Syndicate Bank in dismissing from service Shri P. D. Wagh is just and proper. The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer
[No. L-12012/9/89-D.II(A)]

का.प्र. 583 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दीना बैंक के प्रबंधन के संबंध निोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-91 को प्राप्त हुआ था।

S.O. 583.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Dena Bank and their workmen, which was received by the Central Government on 29-1-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(38)/1987

PARTIES

Employers in relation to the management of Dena Bank, Raipur (M.P.) and their workman, Shri V. K. Jain, Clerk, represented through the M.P. Bank Employees Association, Parvana Bhawan, Aminpara, P. B. No. 68, Raipur (M.P.)

APPEARANCES

For Workman.—Shri C. M. Kapoor.

For Management.—Shri S. K. Ghosh.

INDUSTRY : Banking DISTRICT : Raipur (M.P.)

AWARD

Dated : January 3, 1991

This is a reference made by the Central Government in the Ministry of Labour vide its Notification No. J-12012/180/86-D.II.A. Dated 16th April, 1987, for adjudication of the following dispute:—

"Whether the action of the management of Dena Bank in dismissing Shri V. K. Jain, Clerk, in Raipur Branch of the Bank w.e.f. 2-5-85 is justified? If not, to what relief is the concerned workman entitled?"

2. Facts leading to this case are that Shri V. K. Jain was working as clerk in Dena Bank with effect from 1-6-1972. He was working as Paying Cashier at Dena Bank, Main Branch, Raipur. On 19-6-1982 he reported to the Branch Manager that there was a

shortage of Rs. 25,000 cash in his hand of which he was Incharge. He further informed that five packets of Rs. 50 notes denomination amounting to Rs. 25,000 were missing. On verification it was discovered that five packets of Rs. 50 Notes amounting to Rs. 25,000 were not there in the cash counter handled by the workman concerned. The Branch Manager got in touch with the police authority, reported the matter to the police for investigation. On preliminary enquiry made by the police authority it was found that no outsiders could enter the cash counter where the workman, Shri V. K. Jain, was working. The possibility of theft by an outsider was remote. It is said that on the same date the missing amount was recovered. The workman was, however, transferred to Rajim as Clerk and in this capacity the allowance admissible to the Paying Cashier was not given.

3. On 15-4-1983 the workman was issued a show-cause notice calling upon him to show-cause as to why the disciplinary action may not be taken against him on the ground of the alleged misconduct to commit fraud on the Bank basing it on the incident of 19-6-1982. The relevant part of the allegations made in the show-cause notice are as under (See Ex. M/7 and Ex. M/11) :—

- “1. While working at our Raipur main branch as a paying cashier you reported to the Branch Manager on 19th June, 1982 that there was a shortage of Rs. 25,000 from cash on hand lying with you. You further informed that 5 packets of Rs. 50 denomination notes were missing.
2. [The Branch Manager and also the Development Manager made immediate investigation into the matter and entire cash was verified. They found that there was a shortage of Rs. 25,000 as reported by you. Then the police was contacted for investigation. Police investigation revealed that there was no possibility of cash being stolen by any outsider.
3. At the close of business hours on the same day you reported that there was no shortage and when the cash was checked at the closing time it was found to be in order. However the 5 packets of Rs. 50 notes which were reported missing were not there. Thus you managed to replenish the shortage.

The above circumstances against you prove that you have attempted to commit a fraud on the bank.

We, therefore, call upon you to show-cause within (seven) 7 days from the receipt of this notice by you as to why disciplinary action should not be taken against you.”

Thereafter he was charge-sheeted as under :—

1. Doing an act prejudicial to the interest of the bank likely to involve the bank in serious financial loss.
2. Causing damage to the reputation and image of the bank.

4. Departmental enquiry was held against him and he was dismissed from service with effect from 2-5-1985.

5. According to the workman, the amount was just misplaced and it was found out as is admitted by the management also. Despite the above fact, he was transferred and special allowance which he was drawing as Head Cashier was withdrawn and he was posted as a Clerk simpliciter at Rajim which itself amounts to punishment and hence no fresh enquiry could be held against him and punishment awarded.

6. The D.E. was held as an after thought and after a lapse of more than nine months he was given show-cause notice as to why disciplinary action be not taken against him. He denied the allegations levelled against him. He was thereafter vaguely charge-sheeted which he was unable to understand and the list of proposed witnesses were not enclosed in the charge-sheet, hence the enquiry is vitiated.

7. That apart, the Enquiry Officer recorded this finding against him on the unwarranted evidence and they are perverse and are liable to be set aside on this count also.

8. The punishment of dismissal was proposed by some other authority than that of Disciplinary Authority. No list of witnesses and documents were given to the workman and the Enquiry Officer went on introducing new witnesses because the earlier witnesses did not fulfil the management's expectations. The deposition of the witnesses were also not correctly recorded and the witnesses were subjected to change the deposition. The Enquiry Officer acted as a prosecutor warranting the entire enquiry proceedings to be set aside. Workman has not committed any misconduct. The amount was misplaced for which he has been already punished adequately. The punishment is discriminatory and is liable to be set aside with full back wages and all consequential reliefs.

9. According to the management, immediately after reporting the shortage of cash of Rs. 25,000 (five packets of Rs. 50 denomination Notes) Shri V. K. Jain handed over the charge to another Cashier who made payment of that day, out of the cash received by the Branch on that date. No cash was taken out from the Strong Room nor the cash brought at the beginning of the day was used to meet the payment. It is almost at the end of banking hours that the delinquent made good the shortage by presenting a Cheque No. 758015 dated 19-6-1982 worth Rs. 25,000. After reporting the shortage and handing over the charge the said delinquent approached one of his closed friends M/s. Chattisgarh Auto Care whose account was opened with the introduction of the said workman by showing of this Cheque with the missing denominations of 500 Notes of Rs. 50 so as to get over police arrest.

10. In fact, the missing 500 Notes of Rs. 50 denomination were not discovered or found out but the Bank balancing was managed by him by managing to make good the shortage. The department has lost confidence in the workman and therefore he was transferred to Rajim Branch as a Clerk and was posted in the capacity to avert dealings in cash. His transfer from Cash Department to Clerical Cadre to Rajim was

not by way of punishment but this transfer was made looking to the exigencies and nature of work. It is not a demotion or punishment. He has not been doubtfully punished. The averments made challenging the departmental enquiry are baseless and the reference is liable to be rejected.

11. As the management did not pray that if the departmental enquiry is vitiated, it may be permitted to lead evidence, my learned predecessor vide proceedings dated 15-7-1988 ordered that all issues shall be considered together.

12. Following issues were framed by my learned predecessor and my findings are recorded against each of them.

ISSUES

1. Whether the domestic/departmental enquiry is proper and legal ?
2. Whether the punishment awarded is proper and legal ?
3. Whether the management is entitled to lead evidence before this Tribunal ?
4. Whether the termination/action taken against the workman is justified on the facts of this case ?
5. Relief and costs.

REASONS FOR MY FINDINGS

13. Issues No. 1 to 5.—I shall take up all these issues together. So far the question of validity of the departmental enquiry is concerned, I will take up all the points one by one as made by the workman concerned.

14. So far the first point that the charge was vague in as much he could not understand it is concerned, it should be read along with the show-cause notice, dated 15-4-1982 and the facts enumerated therein and hence it cannot be said that the said charge-sheet prejudiced the delinquent in any manner whatsoever.

15. Now the question arises whether the delinquent was given list of witnesses as also documents and if not whether it prejudiced the workman in any manner whatsoever. In this regard I have to say that para 4 of the statement of claim is very clear to show that the delinquent was permitted to examine all the documents and he never raised this point even in his written arguments before the Enquiry Officer. From documents Ex. W/1 to Ex. W/5 and Ex. M/1 to Ex. M/26 it can be said that the workman was never prejudiced (various documents are over lapping). That apart, the proceedings held on 31st October, 1983 (Ex. W/1) at page 3 disclose that the list of witnesses and the documents was handed over to the workman concerned. Thus this objection also does not stand.

16. Now comes the question whether withholding of special allowance because the workman was posted as a mere clerk amounts punishment or reduction in rank and if so, whether the workman was punished twice. In my view, even assuming that the workman had not committed any act of misconduct but due to mere negligence the said amount was misplaced, or he

could not find out and made much ado about the nothing, it was sufficient for the management not to post him as Cashier and to hold the cash. If that was the case, obviously there was no reduction in rank or punishment to the workman concerned. The allowance goes by the post and because he was not posted as Cashier he could not get the special allowance and therefore it cannot be deemed to be a punishment in the eyes of law and the case law cited by the workman in his written arguments having not been placed before this Tribunal and is not available to me I cannot deal with those case laws to find out whether they apply to this case or not. In my view, it is not a punishment at all but in the circumstances he was not posted as a Cashier.

17. Now comes the question of delay in giving show-cause notice and charge-sheet as also holding the departmental enquiry. Obviously, this is not a simple case and if the management had taken time in deciding to hold departmental enquiry it can be certainly justified in as much as per Ex. M/2 the Branch Manager had informed the Regional Manager on 22-6-1982 to the effect that the cash was tallied in the evening and therefore he informed the police that our cash is found and every thing is in order. From the record it appears that it was after due scrutiny that it could be revealed that some toul play had taken place and therefore merely because there was some delay in issuing show-cause notice to the workman, it cannot be held that the departmental enquiry is vitiated on this count. Despite delay the workman very well understood the charges, cooperated in all the proceedings, contested his case with tooth and nail.

18. There is nothing on record to show that the punishment was not proposed by the Disciplinary Authority. Thus there is no such illegality in the procedure to hold that the departmental enquiry is vitiated. I have gone through the written arguments filed by the workman.

19. Now coming to the question of appreciation of evidence and to find out whether the findings are perverse or not we will look into the salient point raised by the workman. Ex. W/2 is the first document to show that the Branch Manager had reported that everything is in order. Then again in this regard I refer to the testimony of M.W. 4, A. P. Dave, who has stated as follows :—

“I asked Branch Manager from where the cash was found. The Branch Manager informed me that it was lying with other cash. I advised him to make a full report about the applicant.”

20. Now coming to the testimony of Branch Manager Shri D. V. Trivedi, who has been examined as M.W. 5, he has stated as follows :—

“The Paying Cashier (Mr. Jain) reported me that the cash was found between 2.30 to 3.00 p.m.”

He further stated “When Mr. Jain reported me that cash was found, I along with Mr. Jain verified the previous cash with the cash in hand on the day and tallied both which was found to be correct.” He admits “that the Cheque of Rs. 25,000 was brought to

him by the subordinate and not by the delinquent". If the Cheque of Rs. 25,000 was not inserted in the dealings of the day, the amount was obviously missing. According to the management, this was done by the delinquent himself at the closing hours of the day.

21. The workman has referred to various other facts to show that the findings of the Enquiry Officer are perverse but the entire evidence is not to be appreciated in piecemeal. The Enquiry Officer has given a scientific analysis to show that unless the alleged Cheque was not brought the cash could not be tallied and found correct. There is sound reasoning behind this finding to show that it was not possible to make of the said Cheque No. 758015 dated 19-6-1982 in the 500 Notes of denomination of Rs. 50 and this circumstantial aspect of the case cannot be brushed aside on the basis of the infirmities pointed out by the delinquent in the evidence.

2. The misconduct is obviously grave one. Even accepting that it was a case of negligence, it is not a fit case, in the circumstances, to disturb the findings of the Enquiry Officer. I, therefore, record my findings as follows:—

1. The departmental enquiry is proper and legal.
2. The punishment awarded is proper and legal.
3. Question of leading evidence by the management before this Tribunal does not arise.
4. Termination/action taken against the workman is justified on the facts of the case.
5. Workman is not entitled to any relief.

23. Reference is, therefore, answered as follows:—

[That the action of the management of Dena Bank in dismissing Shri V. K. Jain, Clerk, in Raipur Branch of the Bank w.e.f. 2-5-85 is justified.

He is not entitled to any relief.
No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-12012/180/86-D.II(A)]

नई दिल्ली, 1 फरवरी, 1991

का.अ. 584:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अविकरण, अग्रमशवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-9 को प्राप्त हुआ था ।

New Delhi, the 1st February, 1991

S.O. 584.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the

Annexure in the Industrial Dispute between the employers in relation to the Life Insurance Corporation of India and their workmen, which was received by the Central Government on 24-1-91.

ANNEXURE

BEFORE SHRI H. K. KAMODIA, INDUSTRIAL TRIBUNAL, AHMEDABAD

Ref. (ITC) No. 12 of 1980

ADJUDICATION

BETWEEN

Life Insurance Corporation of India, Ahmedabad.

AND

The workmen employed under it.

In the matter of allowing Shri N. M. Mody Clerical Assistant, to cross the Efficiency Bar from 1st January, 1978, in the time scale of pay.

APPEARANCES :

Shri M. J. Sheth, Advocate, for the first party.

Shri P. Chidambaram, representative for the second party.

AWARD

An industrial dispute between the aforesaid parties was referred for adjudication under section 10(1) of the I.D. Act, 1947, by the Government of India, Ministry of Labour, New Delhi's Order No. L-17012/24/79-D.IV(A) dated 24th October, 1980 to the Industrial Tribunal consisting of Shri R. C. Israni. Thereafter under an appropriate order it has been transferred to this Tribunal for its adjudication. The dispute relates to the question whether the action of the management of Life Insurance Corporation of India, Ahmedabad in not allowing Shri N. M. Mody, clerical assistant to cross Efficiency Bar from 1st January, 1978, in the time scale of pay is justified, and if not, to what relief, the concerned workman is entitled ?

2. The second party has in its statement of claim at Ex. 4 contended that Shri Mody was a bonafide member of its union. The dispute in question had arisen on account of vindictive attitude adopted by the first party. Shri Mody had put in a spotless service of 17 yrs. in the pay scale of Rs. 175-585. He was entitled to an increment on 1st January, 1978. The said increment was of Rs. 25/- in the time scale. It ought to have been granted on 1st January, 1978. However, he received a letter dt. 9-1-1978 informing him that as a result of review of his work relating to his efficiency, he was not found to be of the accepted standard and hence it had decided not to allow him to cross the efficiency bar. Thereupon he made representation to several authorities. These representations were rejected. The action of the first party in not permitting Shri Modi to cross the efficiency bar was pre-determined with a view to harass him because he was associated with the union activity and had persistently attached the management. He was arbitrarily picked up by the first party during the days of emergency period and was transferred to Ahmedabad to Himatnagar and then again to Kalol. He had represented before the management about his illegal transfer. His request was not headed, whereas

such request made by other 4 employees was granted. He had not committed any misconduct and so the action of the first party in withholding his increment with effect from 1-1-1978 is illegal and void ab initio. He was never reprimanded by the first party. This action on the part of the first party had resulted in monetary loss to him. Therefore, it has prayed to direct the first party to grant the increment with effect from 1-1-1978 raising his pay from 410 to 435 per month, and a further direction to the first party to grant all other consequential benefits including increase in pay and other allowance.

3. The first party has resisted the statement of claim of the second party by filing its written statement Ex. 5. It has inter alia contended that the reference is not legally tenable and it deserves to be rejected. It has not admitted the averments made in paragraph 1 to 9 of the statement of claim. It is a corporate body established under section 2 of the L.I.C. Act, 1956. The first party has in paragraph 3, 4 & 5 referred to the provisions of the said Act. It has framed regulations which partake the character of the rules made by the Government under section 48 of the LIC Act and in view of decision rendered by the Supreme Court those regulations are statutory in character with the same force and effect as any law duly passed by the legislation. It has denied that it has adopted a vindictive attitude towards Shri Modi. It is not true that he had put in a spotless service of 17 yrs. It has admitted that Shri Modi was entitled to one increment from 1-1-1978. It is true that he was served with a letter dtd. 9-1-88. He was informed that he was not permitted to cross the Efficiency Bar as a result of review of his work record. He had made representations to the authorities concerned. It is true that they all were reviewed. It has not admitted that it had harassed Shri Modi. The present reference is made not in respect of transfer of Shri Modi and so it is not necessary to refer to the averments made by the first party pertaining to averments of transfer of Shri Modi made by the second party in its statement of claim. According to it, no departmental enquiry is required to be held. It had taken a decision not to permit him to cross the Efficiency Bar. It has thus not violated the principles of natural justice, while taking such a decision. The demand preferred by the second party is not justified on merits. The order not to permit him to cross the Efficiency Bar is not by way of victimisation. That decision was taken as a result of review of his confidential reports. The first party has reproduced the regulation 56/3 in support of its contentions. Some memos about his unsatisfactory work or conduct was served upon him in the years 1975, 1976, 1978 & 1979. In spite of those memos he had continued to be in different. He was warned in regard to the punctuality in attendance. The decision in the instant case was taken with reference to his annual confidential report or the preceding 3 years and as they were not upto the mark as per the regulations he was not permitted to cross the Efficiency Bar. His confidential reports were further reviewed in the year 1979. The same were not satisfactory and so he was not allowed to cross the Efficiency Bar in that year also. The confidential reports were thereafter examined for the previous 3 years and etc. he was allowed to cross Efficiency Bar as on 1-1-1980. Efficiency Bar is not a misconduct and so

enquiry as suggested by the second party was not required to be held. Therefore, on these grounds it has prayed to dismiss the claim with cost.

4. It is very unfortunate that during the pendency of this reference Shri Modi died on 8-12-1987. The death certificate is at Ex. 51. His son Shri Bakulkumar Narandas Modi had appeared before this Tribunal with application Ex. 50 to bring him on record as the heir and legal representative of his father and to permit him to proceed further with this matter. The said prayer was granted.

5. The present reference is in respect of the decision of the first party in not promoting Shri N. M. Modi to cross the Efficiency Bar from 1-1-1978. It is clear from the written statement at Ex. 5 filed by the first party as well as other evidence on the record that Shri Modi was also not permitted to cross the Efficiency Bar from 1-1-1979. Now the present reference is in respect of the decision in not permitting him to cross the Efficiency Bar 1-1-1978. Present reference is not in respect of such a decision from 1-1-1979. Therefore this Tribunal will have to decide whether the decision of the first party in not permitting him to cross the Efficiency Bar from 1-1-1978 was correct and in accordance with the rules in force. It was submitted on behalf of the second party that this Tribunal should also decide the correctness or otherwise of the decision of the first party in not permitting Shri Modi to cross the Efficiency Bar from 1-1-1979. I think this cannot be done because of absence of reference to this effect. However, it is important to note that the management was required to take a second review in the year 1979 because Shri Modi was not permitted to cross Efficiency Bar on 1-1-1978. If he was permitted to cross the Efficiency Bar on 1-1-1978, the question whether or not he should be permitted to cross the Efficiency Bar from 1-1-1979 would not have arisen. The stage to cross the Efficiency Bar had come on 1-1-1978. Therefore if he was permitted to cross the Efficiency Bar from 1-1-1978, there would not have arisen any occasion for the authority to take a review of his confidential reports for the purpose of deciding whether or not he should be permitted to cross the Efficiency Bar from 1-1-1979. Therefore if this Tribunal comes to the conclusion that decision of the management not to permit to cross the Efficiency Bar from 1-1-1978 is not correct or it violates the principles of natural justice, it will have to be set aside with the result that the first party will have to permit him to cross the Efficiency Bar from 1-1-1978 and so the decision of the second party in not permitting him to cross the Efficiency Bar from 1-1-1979 will become stale or ineffective or inoperative because that stage would not arise. It will be in this way that the said decision will automatically become set aside. However if this Tribunal comes to a conclusion that the decision of the management not to permit him to cross the Efficiency Bar on 1-1-1978 is correct, that it is very much doubtful whether this Tribunal can embark upon the enquiry about the correctness or otherwise of the decision of the management in not permitting him to cross the Efficiency Bar on 1-1-1979, in the absence of a specific reference to that effect or in the absence of its inclusion in the reference made to this Tribunal.

6. The first party has in paragraph 15 of the written statement at Ex. 6 disclosed the materials which were taken into consideration for imposing the Efficiency Bar against Shri Modi. It has said in so many words that it is open for the management to halt the employee at the Efficiency Bar stage until such time that the confidential reports for the preceding yrs. Permit such crossing. Therefore in the instant case it had taken into consideration the confidential reports for the preceding 3 yrs. and as a result of appreciation of the same, it ultimately came to the conclusion that he cannot be allowed to cross the Efficiency Bar. This was the only ground for not permitting him to cross the Efficiency Bar. Hence this Tribunal will have to undertake an exercise for deciding the correctness or otherwise of such a decision based on consideration of the confidential reports for the preceding of Shri Modi 3 yrs. It was submitted on behalf of the second party that no show cause notice was served upon Shri Modi before a decision in question was taken. According to the second party Shri Modi should have been called upon to show cause as to why the proposed action of imposing the Efficiency Bar should not be taken against him and that necessary decision should have been taken after considering his representation and after giving him an opportunity to make oral submissions. In short it was submitted that in the instant case principles of natural justice were violated in as much as no such notice was served upon Shri Modi and thereby he was not given any opportunity to make a representation or to offer some explanation which would have satisfied the authority charged with the duty, then to take some decision. My attention was drawn to Ex. 8 by which Shri Modi was informed about the decision not to permit him to cross Efficiency Bar. It was submitted that after the decision was taken this letter was served upon Shri Modi and so it was tant amount to putting cost before the horse. Ex. 18 is not a show cause notice and so he was not served with any show cause notice after the decision was taken consequently he was not called upon to show cause in regard to the decision taken against him. He was merely informed about the decision and so it was left to him to decide as to what course of action he should take against that decision. Accordingly he had filed some appeals or representations which were ultimately rejected. It prima facie appears that when a decision is proposed to be taken against an employee he should be given opportunity to show cause against the proposed decision. However, I am not shown any provision of law or any case law or instructions issued by the first party for serving a notice upon the employee to show cause against the decision proposed to be taken against him. The first party has in the instant case produced a copy of the circular No. 3550/ASP/76 dtd. 20th September, 1976. This circular was issued in regard to the increments, it runs into paragraphs under different heads. The paragraph No. 2 pertains to Efficiency Bar. Sub para (c) of para No. 2 pertain to Efficiency Bar. It says that the decision of the appointing authority either to impose the Efficiency Bar or to allow it to be crossed shall be conveyed to the employee concerned in writing. So this instruction requires the appointing authority to inform the employee after the decision is taken and not before that. Accordingly in the instant case, after the decision was taken Shri Modi was informed about

the same as per Ex. 18 and thus the first party had complied with this instruction contained in sub-para (c) of paragraph 2 pertaining to Efficiency Bar of the circular at Ex. 55. At a later stage I will discuss whether the confidential reports which were taken into consideration by the appointing authority for taking a decision whether or not to impose Efficiency Bar can be taken into consideration if the adverse remarks contained therein were never communicated to the concerned employee. There are some decision to this effect and so the decision or adjudication of the industrial dispute referred to this Tribunal will in a large measure depend upon the question whether the appointing authority was right in imposing Efficiency Bar on the basis of the confidential reports if it is found that adverse remarks contained therein were never communicated to him. It is not the case of the first party that adverse remarks contained or made in the confidential reports pertaining to Shri Modi were communicated to him and thereby he was given opportunity to improve himself and/or to take representation against the same. Thus the fact remains that the adverse remarks if any in the confidential reports of the years taken into consideration by the appointing authority for coming the decision in question were never communicated to Shri Modi and still however, they were taken into consideration for imposing Efficiency Bar against him. These are all admitted facts and these facts are not required to be established. Consequently the matter can easily be decided on the basis of these admitted facts. This point involves the question whether or not the principles of natural justice were required to be followed and if they were not followed, whether the decision taken by the appointing authority can be allowed to stand and operate against Shri Modi.

7. Exs. 19 to 25 are the copies of the representations made by Shri Modi and the replies received by him. It is not necessary to refer to them, because they are subsequent to the decision to impose Efficiency Bar taken against Shri Modi. The first party has produced some memos at Exs. 26 to 48. Ex. 26 is of the year 1971. Ex. 27 and 28 are of the year 1973. Ex. 20 to 33 are of the year 1975. Ex. 34 to 40 are of the year 1976. Ex. 41 and 42 are of the year 1977. Ex. 40 and 44 are of the year 1978. Rest are of the year 1979. It is not the case of the first party that these memos were taken into consideration besides the reply if any received by Shri Modi. Before taking a decision to impose the Efficiency Bar against him. Thus it is not its case that these memos had formed the basis for the decision to impose the Efficiency Bar against him. I will consider them one after the other. Ex. 26 is a memo pertaining to casual leave. It is dtd. 8-12-71. He was told that he has been habitually going on half a day's casual leave and without prior permission of the competent authority. He was, therefore warned to be careful in future and avoid availing half day's casual leave without prior permission of the competent authority. I do not think that this has got any thing to do with his efficiency in discharge of duty pertaining to work or outturn of the work which he was then expected to turn out. It appears that his request for half a day's casual leave on the dates mentioned therein was granted. The authority should have refused to grant his request. After

having granted his request it would not be proper to serve him a memo. Before granting his request the authority could have required him to offer his explanation for his such habit of conduct. Therefore when his request for half day's casual leave on the dates mentioned therein was granted it would mean that authority was satisfied with his request as genuine and that is why his request was granted. Therefore, the authority should not have served him with this memo. Ex. 27 is another memo dtd. 15-2-1973. It appears that he had applied for one day's leave on 10-2-1973. That application was submitted on 12-2-1973, that is, after availing of the leave. So he had remained absent without previously getting his leave sanctioned. By this memo he was informed that his request for one day's privilege leave is granted by taking a lenient view. He was told that such a concession will not be available in future. This can hardly be regarded as something reflections upon the efficiency vis-a-vis the nature of the duty which he was then expected to discharge. Exs. 28, 29 and 30 are also such memos in regard to his prayer for leave which were all granted and so I have to make the very same observation and so I need not repeat the same. Ex. 31 is a memo dtd. 8-10-1975. It appears that Shri Modi had availed of the grace period of time while attending the office in the month of September, 1975. It further appears that the employees were given 10 minutes grace late in attending the office. By this memo he was informed that this grace time is not to be availed as a matter of right and it should be availed of for unavoidable reasons. Therefore he was warned to improve his attendance record by regularly attending the office in time by availing the grace period rarely, only under unavoidable circumstance. So this has also nothing to do with his working capacity and certainly this cannot go against him for imposing Efficiency Bar against him. Ex. 32 is a memo dtd. 20-10-1975. It appears that he had applied for leave due to sickness. It further appears that he had not produced any certificate. His attention was therefore, drawn to some regulation. So strictly speaking this has nothing to do with the manner of discharging duty which was then supposed to discharge. Ex. 33 and 34 pertain to late attendance and availing of grace time. I have discussed such memos and so I need not repeat the same. Ex. 35 is dtd. 21-5-1976. It appears that he was absent on 26-3-1976. He had not applied for leave on that day. He was, therefore called upon to submit his leave application. He was also required to show cause as to why he should not be treated as an unauthorised absent on loss of pay. This was, therefore a notice only. It cannot be regarded as an adverse remark communicated to him, as this has nothing to do with his efficiency. Exs. 36 & 37 are in respect of attendance during grace period. It appears that he would attend its during grace period and so he was availing of the grace period as of right and that is why he was warned by these two letters. Ex. 38 is in respect of late attendants. Ex. 39 and 40 are in respect of sick leave, which were sanctioned and so the authority was ultimately fully satisfied about the genuineness of the reasons stated in his application for leave. The authority was at liberty to refuse to grant leave. That was not done. Hence if a warning was given to him

in respect of leave already sanctioned it will amount to doubting one's own decision in sanctioning the leave. Exs. 41 and 42 are in respect of privilege leave and Ex. 43 is in respect of Casual leave. Ex. 44 is in respect of unauthorised absence. Ex. 45 and 46 are in respect of casual leave. Ex. 47 is in respect of unauthorised absence. Ex. 48 is in respect of casual leave. So all these memos were in respect of casual leave, privilege leave or late attendance during grace period. So he was not served with any memo in regard to his work. He was not informed that he was avoiding work or that he was not faithful in the matter of discharge of duties assigned to him. He was never informed that he is not turning out the output as per the prescribed norms. He was never told that he does not study the papers and avoids his work. Thus during this period he was never served with any memo pertaining to the nature of work which then he was required to do. As already said by me these memos were not considered by the appointing authority for taking a decision to impose Efficiency Bar against him. What was considered was the contents of the confidential reports of the preceding 3 years for coming to such a conclusion. Hence this Tribunal will have to take into consideration that basis for deciding the dispute in question. It is highly doubtful whether an employee can be said to be inefficient on the ground that he frequently avails of leave. There is nothing on the record to show that the request of Shri Modi for leave was rejected. Whenever he had made requests, they were all granted and so the presumption is that the leave sanctioning authority was satisfied and that is why his requests were granted. As already observed by me the leave sanctioning authority was at liberty to refuse to grant the leave. However, that was not done and so when the leave was granted it would mean that the reason for availing leave was found to be satisfactory, and so how can that be the subject matter of memo and how that can go against that employee. Some memos were served upon him in the year 1975 and I have referred to the same. In the instant case the first party has produced the xerox copy of the confidential report in Appendix-E for the C.Y. 1975. It is at Ex. 56. It consists of 7 columns. Column No. 4 is important for the present. The reporting officer has to make observations against each of the sub-columns (a) (b) (c) & (d). They are in respect of arrears of work, inaccuracy of work and indiscipline and any other Cause. This column also requires the reporting officer to give brief particulars. It also requires to state whether there have been occasions for giving warnings to the employee. The reporting officer has written "Nil" against all the sub columns of para 4. It may mean that he was never warned for arrears of work, inaccuracy in work, indiscipline or for any other cause. Now he was served with memos in the year 1975 with regard to leave or late attendance during the grace period. Still however, the reporting officer has observed that he was not warned in regard to indiscipline or for any other cause or for inaccuracy in work. Thus those memos cannot be taken into consideration because the reporting officer had not treated them as warning to Shri Modi. This will, therefore, go to show that during the CY 1975 he was never warned for inaccu-

racy in work, indiscipline or any other cause. Therefore he was never in arrears of work. This would mean that he was doing day to day work and was not keeping anything in arrears. He was never found to be inaccurate in work in this CY would mean that his work was accurate and so he was not warned for the same. He was never warned for indiscipline, which would mean that he had not committed any act of indiscipline including a minor act of indiscipline. He was not warned for any other cause, which would mean that during that C.Y., he has not conducted in a manner which would have required the authority to warn him for the same. Thus his work in C.Y. 1975 was spotless. I will refer to the other observations made in this report at a later stage. Ex. 57 is the xerox copy of the confidential report for C.Y. 1976. He was served with 7 memos in the year 1976 and they are at Exs. 34 to 40. It is really very surprising to find that against column 4, the reporting officer has not made separate observations. He has grouped all the 4 sub-clause for making observations against the same. He had observed that he was served with a memo on 6-8-1976 for late attendance. He was also served with a memo for late attendance in July, 1976. I am not able to understand how this is treated as a warning against inaccuracy in work, indiscipline or for any other cause. It is also observed that he was also served with a memo on 21-5-1976 for absence on a particular date. The reporting officer has further observed that he was asked not to leave the headquarter without prior permission as he appeared to be in the habit of proceeding on leave. So the reporting officer has made these observations in column No. 4, which contains 4 sub-clauses. He was required to make observation against each sub clause. It appears that he was in a position to decide whether the above memos can be regarded as warning pertaining to clause (i) (ii), (iii) or (iv). These observations do not pertain to arrears of work and inaccuracy in work. As already said by me his requests for leave were granted and so there does not arise any question to serve any memo upon him. The authority sanctioning the leave was satisfied regarding the reason stated for availing of the leave. It is very surprising to find that those confidential reports were never reviewed by any reviewing officer. It was required to be reviewed by the reviewing officer who is charged with a duty to consider the same, for the purpose of deciding whether or not he should agree with the observations and assessment made by the reporting officer. If he differs he has to fill in a fresh confidential report in Appendix-B and to attach it to the confidential report submitted by the reporting officer. Therefore, this report submitted by the reporting officer was never reviewed. It is therefore a grave error committed by the office. This unreviewed confidential report cannot be taken into consideration for any purpose. If it was considered by the reviewing officer, there is every reason to believe that he may not have agreed with the observations made by the reporting officer and would have filled in a fresh report in Appendix-B, which would have favoured the employee. This possibility can not be ruled out. It is not permissible to presume that if this confidential report was reviewed by the reviewing officer he

would have agreed with the views expressed by the reviewing officer. Therefore, when this imperative procedure is not found to have been followed what is contained in this report cannot be used against the employee for any purpose. The requirement that the confidential report submitted by the reporting officer should be reviewed by the reviewing officer is not an empty formality. It is a substantial formality. The reporting officer may make some observation because of some prejudice etc. and that is why it is required to be reviewed by the reviewing officer and so the confidential report prepared by the reporting officer and at the same time reviewed by the reviewing officer can only be taken into consideration for taking substantial decision in respect of an employee. At that time decision was required to be taken whether or not the employee be permitted to cross the Efficiency Bar. This was to affect the increment which he was entitled to draw on a particular date. A substantial decision was required to be taken by the authority and for that purpose the authority was required to take into consideration the confidential reports of the 3 preceding years. However, if any confidential report is found to have been written not in accordance with the requirement as to the same, it will have to be regarded as incomplete and so it would not be proper for the authority to rely on such an incomplete report. In the instant case this report was taken into consideration. It has formed one of the basis for taking decision against Shri Mody. It was not required to be taken into consideration because it appears that it was not reviewed by the reviewing officer. It was a mandatory requirement before it is considered against an employee for any purpose. In paragraph 6 the reporting officer has observed that if he wants to work he can do better work, but then he always thinks to be planning on leave. This will go to show that he knows the work and was doing the work but, he was not putting much better work. He was never warned for arrears of work or inaccuracy in work. He was also never warned in regard to the out-turn of the work which he was expected to turn out everyday. He was also never warned for accuracy of facts and figures, and notings and presentation and execution of work. It was observed that he was having average knowledge of the procedures and regulations within the range of his work. So his knowledge was not below average. He had average capacity in exercising ideas, both oral and in writing. So this was also not below average.

7. Ex. 58 is a xerox copy of the special confidential report in Appendix-B for C.Y. 1977. This was also taken into consideration for imposing the bar against Shri Mody. During this year he was served with two memos in regard to his privilege leave and not in regard to the work performance or knowledge regarding work. It was observed in this confidential report that he was not warned for arrears of work. The reporting officer has said that he was warned for inaccuracy in work. Further he has clarified that he was orally warned for increments. This is something which is not palatable. I am not able to understand as to what warning can be given to an employee in regard to his increments. This cannot be said to be a warning in regard to inaccuracy in work. He

was not warned for any indiscipline. It is however observed that he was warned orally to apply himself consciously for work. It is not possible to make out as to what the reporting officer wanted to convey by this remark. However, the fact remains that Shri Modi was not warned in writing. It is very easy for any person to come out with a loose statement that he was orally warned without the possibility of being confronted in the absence of any record or note as to the same. It does not appear from the record whether the authority had required the reporting officer to state whether he had made any note about the oral warning given to Shri Modi. If really he had orally warned Shri Modi, it was his duty to make a note as to the same at least at some place or on a piece of paper to be kept in his confidential file. It is found that Shri Modi was warned in regard casual leave, privilege leave, late attendance during grace period and so I am not able to understand as to why a departure was made by the reporting officer by only administering the oral warning instead of serving a memo upon him. This remark is very vague. If really Shri Modi was orally warned it must have been in connection with some work and so the reporting officer could have given details as to the same. Column No. 4 of Ex. 58 requires the reporting officer to give the particulars, but, in the instant case he has merely observed that he had orally warned Shri Modi without giving any particulars and so such a remark cannot be taken into consideration when it is not found to have been supported to brief particulars as required. At a later stage he has observed in paragraph 6 that Shri Modi was not sincere in his work. He has also not given any particulars as to the same. He has not stated whether he had served any memos in writing upon Shri Modi in regard to his work. Ultimately he has said against column No. 7 that Shri Modi was not fit for crossing the Efficiency Bar. This appears to be a special report for Efficiency Bar because it is so mentioned on the top of it. So this can be said to be a usual or a regular confidential report which is normally required to be submitted at the end of the calendar year. It appears that the authority had called for a special report and so this special report was submitted more particularly with reference to imposition of Efficiency Bar. It appears that the reviewing officer had agreed to the same. Therefore this cannot be said to be usual confidential report. Ex. 60 is the xerox copy of notes and decisions. It is so to say the xerox copy of the decision taken by the authority for not permitting Shri Modi to cross the Efficiency Bar. The marks obtained by him at his work record based on confidential reports during the years, 1975, 1976 and 1977 were taken into consideration and so they were totalled and then average was worked out. The authority found that he was securing less than the qualifying marks for crossing the Efficiency Bar and so it was decided not to permit him to cross the Efficiency Bar from 1-1-78. It is mentioned in this decision that no penalty was imposed upon the employee nor any disciplinary action initiated or contemplated against him. So what was considered by the authority for taking decision were the two annual confidential reports of the years 1975 and 1976 and a special report for the year 1977. The authority should have called for usual annual confidential report for the C.Y. 1977 besides a special report so as to enable it to take a decision in the

matter of crossing of Efficiency Bar. That was not done. Thus two annual confidential reports and one special report were taken into consideration for coming to the conclusion in question Ex. 55 is a circular pertaining to increment. Paragraph No. 2 is in respect of Efficiency Bar. Sub-para (b) of paragraph No. 2 is important for this purpose. It says that to arrive at an unbiased judgement in the matter, it is necessary to examine the work record of the concerned employee for a reasonable period for 3 years immediately preceding the date on which employee's case falls to be considered. It further says that a special confidential report shall be called for in the usual form. The authority was required to take into consideration the confidential reports of 3 years besides a special confidential report in the usual form. That was not done in the instant case, because the authority took into consideration the annual confidential report of two years besides one special confidential report of the year 1977. The authority have taken into consideration the annual confidential report for the C.Y. 1977 besides requiring the reporting officer to submit a special report. So the authority should take into consideration 3 confidential reports besides one special report whereas in the instant case the authority had taken into consideration two annual confidential report plus one special report. It is in this way that the authority had not complied with the mandatory instructions contained in paragraph 2(b) of the circular dated 20th September, 1976. It is true that the special report should be in respect of the period from 1st January of the year in which the employee had reached the efficiency bar stage, to the due date of normal increment at the efficiency bar stage. It is further made clear in paragraph 2(b) of the circular that the special report and the reports for the 3 years immediately preceding the period of special report shall be placed before the appointing officer for taking decision. So the appointing authority was required to take into consideration 4 such reports. Hence if we take into consideration the special report in the instant case then the reports of the 3 years immediately preceding the period of the special report were to be taken into consideration. The period of the special report was from 1-1-1977 to 31-12-1977 and so according to these instructions the appointing authority was required to take into consideration the confidential reports of the years 1974, 1975 & 1976 because they can be said to be reports of the 3 years immediately preceding the special report of the C. Y. 1977. That was the General standing instruction and so this substantial error was committed by the appointing authority. If the appointing authority had taken into consideration the annual confidential report for the year 1974 that would have favoured Shri Modi because he might have secured more marks that year and consequently the average would have increased which would have resulted in permitting him to cross the efficiency bar. So the decision was not taken in accordance with the instructions contained in paragraph 2(b) of the circular at Ex. 55. Consequently the authority could not have taken such a decision against Shri Modi. The authority had not taken into consideration all the required materials as per paragraph 2(b) of the circular and so the decision taken on the basis of consideration of part of the materials and not all the materials cannot be imposed against an employee. I have made a detailed reference of the contents of Exs. 56, 57 and 58. The first party as

tents of Exs. 56, 57 and 58. The first party has examined one Shri Keval Ram Chuharmal at Ex. 54. He was proved the execution of this confidential reports because he has stated about the signatures of the reporting officers as well as the reviewing officers. However, proof of the execution of a document can not be said to be proof of its content. So the contents are not proved. It is not suggested by the first party that reporting/reviewing officers are not available. They could have been examined. Of course some have retired from service. The first party has in exercise of its powers vested under clauses (b) and (bb) of the sub-section (2) of section 49 of the L.I.C. Act, 1956 was pleased with the previous approval of the Central Government to frame the Life Insurance Corporation of India Staff Regulations, 1960. Both the parties have contended that these regulations have got statutory force. There is practically no regulation about the manner and method of writing the confidential report. There is also no regulation regarding the communication of adverse remarks to the concerned employee. There is no regulation as to what materials are to be taken into consideration at the time of deciding whether or not to impose the Efficiency Bar. For that the first party has issued a circular which is at Ex. 55. I have also referred to the same. Regulation 56 pertains to increment. It says that increments shall ordinarily be drawn as a matter of course unless the employee has reached the maximum of the grade (or the employee cannot be allowed any increment in accordance with Schedule III) or it is withheld as a disciplinary measure under Regulation 39. *Proviso* to Regulation 56(3) says that if in an incremental scale there is an Efficiency Bar the employee shall not draw increments until he has been certified fit to do so by the competent authority and on each occasion on which an employee is allowed to cross an Efficiency bar which has previously been enforced against him, he shall be placed in the incremental scale at such stage as the aforesaid authorities may fix provided that such stage shall not be higher than that at which he would draw his salary if the bar had not been enforced against him and further that no increments granted on the removal of a bar shall have retrospective effect. This is the only provision in the regulation pertaining to Efficiency Bar. There is no other provision as to how the Efficiency Bar has to be enforced. There is no provision as to what materials are to be taken into consideration for taking a decision whether or not to impose the Efficiency Bar. It is presumed that the first party must have framed certain guidelines or issued circulars in regard to the manner and method of writing confidential reports. The confidential reports produced in this case are in prescribed forms. It is in Appendix-B. There is no Appendix-B to the regulations and so this Appendix-B must be owing its existence to some guidelines or circulars. It must be part and parcel of some circular. It is not produced in this case. So it is suppressed. In order to understand Appendix-B it is necessary to take into consideration the circular or guideline under which it was framed. A provision must have been made therein regarding communication or otherwise of the adverse remarks to the concerned employee. It appears that it must be going against the first party in the instant case, and that is why it is not produced. It is not the case of the first party that the adverse remarks contained in the confidential reports were communicated

to the concerned workman and thereby he was given opportunity to improve or to make a representation for persuading the authority to expunge the adverse remarks. He could have been informed that he was found to be average or below average or poor in regard to a particular characteristic. It is an admitted fact that the confidential reports were taken into consideration for enforcing Efficiency Bar against Shri Modi. So the contents of the confidential reports and more particularly the adverse remark appearing therein were taken into consideration for imposing Efficiency Bar against Shri Modi. The adverse remarks of the 3 years prior to the due date of consideration if not communicated must be treated as stale and belated and should be ignored from consideration. Principles of natural justice also demand that before these adverse remarks are acted upon they should be brought to his notice and thus he should be given a reasonable opportunity to make a representation. If in the instant case the adverse remarks were communicated to Shri Modi, he would have submitted a representation and very probably he would have succeeded in getting all or some remarks expunged and in that case the Efficiency Bar would not have been imposed against him. Thus there is a clear breach of principles of natural justice in as much as Shri Modi was not given any opportunity to make a representation in respect of materials which were relied upon by the appointing authority and which had formed the basis for enforcing Efficiency Bar against him. Thus it would be clear that since no opportunity was given to the concerned workman before taking upon the adverse confidential reports, cannot be justified. The first party acted on those adverse remarks to impose Efficiency Bar against him. The learned advocate for the first party has drawn my attention to some decisions for emphasizing that it was not necessary to communicate adverse remarks to Shri Modi. He first drew my attention to the case of Bhavenishankar Sharma vs. Union of India reported in 1973 (II LLJ) at page 184. It is a Supreme Court decision. Their Lordships had rendered the decision in question with reference to Civilians in Defence Services (Classification, Control and Appeal) Rules, 1952. This decision does not help the first party, but, on the contrary it helps the second party. It is contended by the second party that before the decision to impose Efficiency Bar was taken by the first party he was not given opportunity to show cause against the proposed decision. In this reported case the appellant was given an opportunity to make a representation and the Government in its order has said that it has considered his representation as well as his records. So the opportunity was given to the concerned workman. He was informed that he neither showed interest in the work nor apply himself efficiently. He was again informed that as his work was found to be unsatisfactory it was proposed to withhold the grant of annual increments which fall due to him on a particular date. Thus before the order of withholding annual increment was passed the adverse remarks were communicated to him and thereby he was required to show cause against the proposed order. This procedure was not followed in the instant case. So the decision which is cited by the first party does not help it, but helps the second party. Thereafter my attention was drawn to the case of Jayanthi Kumar Sinha vs. Union of India and others

reported in 1989 (1) LLJ p. 566. It is also a Supreme Court judgment. In that case the concerned workman was compulsory retired from service. He had challenged that order. It was contended that adverse entry in his character roll was not communicated and so authority could not have taken that into consideration for passing the impugned order. As against this it was contended on behalf of the Government that the entries were such that there was no obligation to communicate the same under the prescribed guidelines. Thereafter their Lordships have reproduced these entries. They were in the nature of general assessment of performance of the work of the concerned workman. His overall performance was found to be poor. It was held that general assessment of performance of work need not be communicated. In the instant case no general assessment is found to have made in the confidential report in question. There are separate columns against each heads against which there are different gradings such as poor, below average, average above average and outstanding. The reporting officer is required to tick the appropriate column to indicate whether in his opinion he is poor, below average, average, above average and outstanding. Column No. 4 requires the reporting officer to give brief particulars which are not given in Ex. 56. Some particulars are given in Ex. 57. However, it was never reviewed by the reviewing officer. At the same time those particulars pertain to leave etc. They do not pertain to arrears of work etc. Ex. 58 is a special report. There also no general assessment was made. In the reported case the concerned workman was graded as poor for the year 1985. It is observed in paragraph 11 that the concerned workman was communicated years back the several disapproval of his method of working, and so their Lordships were satisfied that the review proceedings undertaken were in consonance with the guidelines framed by the Government. Thus some communication was made and thereby the concerned workman was informed about the general disapproval of his method of working. In this reported case it is observed that the general assessment of performance of work need not be communicated. This will not mean that other remarks are not required to be communicated. This will mean that by making this observation their lordships have by implication held that remarks other than general assessment of performance of work must be communicated. It appears that the question of violation of principles of natural justice was not argued before their Lordships. In the instant case Shri Modi told that his efficiency was below effected standard in the matter of composition of Efficiency Bar on the basis of contents of confidential reports and thus the authority relied on the materials which were never communicated to him for his reaction. Ex. 59 is the confidential report for the C. Y. 1978. I do not propose to consider the same because it was taken into consideration for imposing bar of efficiency in the next year. The main question for consideration is whether the decision of the first party to enforce Efficiency Bar against Shri Modi from 1st January, 1978 is correct and should be upheld.

8. If we take into consideration the cumulative resultant effect of what has been discussed by me in detail in the foregoing paragraphs of this judgment

it must be held that the concerned authority had while deciding to impose Efficiency Bar committed breach of principles of natural justice. At the same time the authority had not considered the reports of 3 years besides the signal report because it is found to have considered the report of 2 years+one special report, what was required to be considered was reports of 3 years besides a special report. So the report for the C. Y. 1974 was not taken into consideration. In this view of the matter, the decision of the first party not to permit Shri Modi to cross Efficiency Bar from 1-1-1978 cannot be upheld and so it is required to be set aside with the result that the dispute raised by the second party will have to be allowed. So I pass the following order.

ORDER

For the reasons aforesaid the present reference is allowed and so the action of the management of the first party in not allowing Shri N. M. Modi (since deceased), clerical assistant to cross the Efficiency Bar from 1978 at the time scale of pay is set aside as the said action was not at all justified. Consequently the first party is directed to release that increment in the time scale which had fallen due to Shri Modi from 1-1-1978. Shri Modi had died during the pendency of this proceedings. The amount which will be worked out as payable to Shri Modi because of the release of the increment as ordered above shall be paid to Shri Bakulkumar N. Modi, son of the deceased, who is his heir and legal representative. The first party is directed to pay Rs. 300 by way of cost to the second party and bear its own.

H. R. KAMODIA, Industrial Tribunal
Sd/-

Sd/-
N. N. Patel
Secretary,
Ahmedabad, 1st January, 1991.

[No. L-17012/24/79-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

नई दिल्ली, 1 फरवरी, 1991

का.अ. 585:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजुर कोलीयारी आफ भी. बेस्टन कोलफील्ड्स लि. के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (म.प्र.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-91 को प्राप्त हुआ था ।

New Delhi, the 1st February, 1991

S.O. 585.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rajur Colliery of M/s. W.C. Ltd., and their workmen, which was received by the Central Government on the 31-1-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(234)/1989

PARTIES :

Employers in relation to the management of Western Coalfields Ltd., Rajur Colliery Sub-Area, District Yeotmal (M.S.) and their workman Shri Dattu Savlu Wasekar, Wagon Loader, represented through the General Secretary, Bhartiya Koyla Khadan Mazdoor Sangh, Camp Ward No. 17, Post Wani, District Yeotmal (M.S.)-422215.

APPEARANCES :

For Workman—Workman concerned himself.
For Management—Shri A. K. Sashi, Advocate and Shri D. K. Chandok.

INDUSTRY : Coal Mining. DISTRICT : Yeotmal (M.S.)

AWARD

Dated, January 16, 1991

The Central Government in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication, vide Notification No. L-22012(164)/89-IR(C.II) dated 8th November, 1989:—

“Whether the action of the management of Rajur Colliery of W.C. Ltd., Distt. Yeotmal (M.S.) in terminating the services of Shri Dattu Savlu Wasekar, Wagon Loader is justified? If not, to what relief the workman concerned is entitled?”

2. Although the notices were sent but the parties did not file their respective statement of claims etc. upto 30-8-1990. On 15-10-1990 representative of the management filed a photo copy of the Memorandum of Settlement. The Tribunal directed the parties to file the original settlement and verify the same on 8-1-1991. On 8-1-1991 parties did not file the original copy of the settlement but verified the photo copy of the settlement already filed and is on record. They have further stated that the settlement has been implemented. The terms of the settlement dated 23rd January, 1990 are as under :—

1. “It is agreed that concerned ex-casuals will be given offer of employment as underground Piece Rated Loader in any of the units of Wani Area.
2. Before reporting for duty the concerned Union will submit five photographs of each of the concerned persons duly countersigned by State Authorities or Special Executive Magistrate with a certificate from the Union along with authorisation from the concerned persons in the name of the Union, to the Manager/Project Officer of the unit where they will be posted.
3. If in future, the identity of the persons mentioned in the enclosed list is proved to be false they will be liable for termination from the services without any notice or any pay in lieu of notice.
4. The concerned persons mentioned in the enclosed list must report for duty within 15 days from the date of issue of offer of employment, after which the said offer will stand withdrawn automatically.
5. The appointment afresh in respect of the persons mentioned in the enclosed list will be subject to verification of antecedents.

The above conditions should be incorporated in the offer of employment in addition to other terms and conditions. The offer of employment at the first instance will be for 3 months and after verification of antecedents, if it is found satisfactory, their continuance in employment will be considered.”

LIST OF PERSONS

1. Shri Dundigala Mallaiya
2. Shri Inmula Sambaiya

3. Shri Maskuri Mahakali Mandnayya
4. Shri Matangi Laxman
5. Shri Curram Pochham
6. Shri Ruspulli Konraiya
7. Shri Tushar Ray
8. Shri Mekhala Chandrayya
9. Shri Pulgan Shankar
10. Shri Dattu Savlu Wasekar
11. Shri Nawadu Bapurao Shidam
12. Shri Deorao Vithu
13. Shri Shankar Sambha.

3. I have gone through the above terms of settlement. The reference made to this Tribunal for adjudication is with respect to Shri Dattu Savlu Wasekar whose name finds place at serial no. 10 of the list of persons as above. I therefore record my award in terms of the settlement with respect to Shri Dattu Savlu Wasekar, workman concerned, and named in the reference order. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-22012/264/89-IR(C-II)]

का अ. 586.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गार गार्ड एण्ड बी गार्ड आफ गुगुस कोलियरी आफ मैसर्ज डब्ल्यू. सी. लिमिटेड के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (म. प्र.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-91 को प्राप्त हुआ था।

S.O. 586.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure. In the industrial dispute between the employers in relation to the management of RI & BI of Ghugus Colliery of M/s. W.C. Ltd. and their workmen, which was received by the Central Government on the 31-1-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(236)/1989

PARTIES :

Employers in relation to the management of Western Coalfields Ltd., Ghugus Colliery Sub-Area, Post Ghugus, District Chandrapur (M.S.) and Smt. Laxmibai W/o Tallapelli Malliah, General Mazdoor (deceased) represented through the Rashtriya Keyla Khadan Mazdoor Sangh (INTUC) RI & BI Branch, Post Ghugus, Distt. Chandrapur (M.S.)

APPEARANCES :

For Workman—Shri G.V.R. Sharma, Secretary of the Union.

For Management—Shri A. K. Sashi, Advocate.

INDUSTRY : Coal Mining DISTRICT : Chandrapur (M.S.)

AWARD

Dated, January 16, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(133)/89-IR(Coal-II) dated 8th November, 1989, for adjudication of the following dispute :—

“Whether the action of the Management of RI & BI of Ghugus Colliery of M/s. W.C. Ltd. in not providing employment to Smt. Laxmibai in place of her husband Tallapelli Malliah, General Mazdoor who died in the year 1984 and whose services were

terminated without holding any enquiry particularly when he was undergoing treatment for T.B. is justified. If not to what relief Smt. Laxmibai (dependent of the workman) is entitled?"

2. In this case parties did not file their respective statement of claim etc. inspite of notice. They have arrived at a mutual settlement. They have filed the settlement and also verified the same. The terms of settlement are as under:—

1. It is agreed that the dependant of late Talappalli Mallaiah i.e. Smt. Laxmibai W/o late Talappalli Mallaiah will be appointed as Cat. I General Mazdoor in any of the mines/units of Wani Area subject to her medical fitness in the medical examination conducted by the Medical Officer, WCL, Wani Area.
2. Smt. Laxmibai W/o late Talappalli Mallaiah will be on probation for a period of six months from the date of joining duty as per this settlement and her performance shall be watched during that period and after satisfactory performance during probation period she will be confirmed in writing.
3. This is the full and final settlement of the dispute raised by the Union and there will not be any claim whatsoever by the workman's dependant/Union in this regard.
4. Smt. Laxmibai will be offered appointment within a period of 15 days from the date of receipt of Consent Award from the Tribunal.

3. The above terms of settlement appear to be just, fair and in the interest of the wife of late Shri Talappalli Mallaiah, Smt. Laxmibai. I therefore record my award in terms of the settlement and make no order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-22012/133/89-IR(C-II)]

का.अ. 587:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दुर्गापुर रयतवाड़ी कोलियरी नं. 2 आफ मै. वेस्टर्न कोल्सफिल्ड लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (एम.पी.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-91 को प्राप्त हुआ था।

S.O. 587.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Durgapur Rayatwari Colliery No. 2 of M/s. W.C. Ltd. and their workmen, which was received by the Central Government on the 31-1-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(72)/1990

PARTIES:

Employers in relation to the management of Western Coalfields Ltd. (Chanda Rayatwari Sub-Area), District Chandrapur-442401 (M.S.) and their workman, Shri Subhash Ringne, Stowing Clerk, represented through the Koyla Shramik Sabha (HMS) Near Mahakali Mandir, Post Babnpetta, District Chandrapur (M.S.).

APPEARANCES:

For Workman—Shri S. R. Satputi.

For Management—Shri A. K. Sashi, Advocate.

INDUSTRY : Coal Mining

DISTRICT : Chandrapur
(M.S.)

AWARD

Dated, January 16, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(295)/89-IR(Coal-II) dated 22nd February 1990, for adjudication of the following dispute:—

"Whether Shri Subhash Ringne, Stowing Clerk, Durgapur Rayatwari Colliery No. 2 of M/s. W.C. Ltd. is entitled for regularisation in Clerical Grade-III and also payment of job-rate from 1986 to April, 1989 from the Sub-Area Manager, Chanda Rayatwari Sub-Area of W.C. Ltd. P.O. and Dist. Chandrapur? If so, to what relief the concerned workman is entitled?"

2. Reference was made as early as in February 1990, but the parties did not file their respective statement of claim etc. On 3-8-1990 Counsel for Management, Shri R. Menon, filed a Memorandum of Settlement. The case was thereafter fixed for verification of the settlement. Both the parties, verified the settlement on 10-1-1991. The terms of the settlement are as under:—

TERMS AND CONDITIONS

1. That Shri Subhash Nilkanth Ringne, will be regularised/appointed as Clerk Gr. III immediately making it effective from 21-9-1989.
2. That on regularisation/appointment as Clerk Gr. III he will be posted in any of the units of Rayatwari Sub-Area.
3. That this will be full and final settlement of the dispute and neither the workman nor the Union will have any claim whatsoever on this account for the period prior to 21-9-89.
4. That this settlement will not be quoted as precedent in any other case.
5. That it is also agreed that pending receipt of consent Award from the Tribunal, Management will implement this settlement immediately.

The above settlement is dated 29-7-1990.

3. I have gone through the terms of settlement and I am of the opinion that the terms are just and fair. I therefore record my award in terms of settlement and make no order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-22012/295/89-IR(C-II)]

का.अ. 588:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रामवेरा कोलियरी आफ मै. वेस्टर्न कोल्सफिल्ड लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (म.प.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-91 को प्राप्त हुआ था।

S.O. 588.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gramveera Colliery of M/s. Western Colsefields Ltd. and their workman, Shri Subhash Ringne, Stowing Clerk, represented through the Koyla Shramik Sabha (HMS) Near Mahakali Mandir, Post Babnpetta, District Chandrapur (M.S.).

trial dispute between the employers in relation to the management of Ambara Colliery of M/s. W.C. Ltd., and their workmen, which was received by the Central Government on the 31-1-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(174)/1989

PARTIES :

Employers in relation to the management of Western Coalfields Ltd., Ambara Colliery, District Chhindwara (M.P.) and their workman, Shri M. S. Verma, Clerk Grade II, represented through the Bhartiya Koyla Khadan Mazdoor Sangh (BKMS) Chandametta, Distt. Chhindwara (MP).

APPEARANCES :

For Workman—Shri R. S. Rathore.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mining DISTRICT : Chhindwara (M.P.)

AWARD

Dated : January 16, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012(31)/89-IR(C.II) dated 19th September, 1989 for adjudication of the following dispute:—

“Whether action of the Manager, Ambara Colliery of W.C. Ltd. in denying regularisation of Sri M. S. Verma as Head Clerk in Grade I, is fair and justified? If so, to what relief the workman concerned is entitled?”

2. Management has not filed any statement of claim. Shri Rajendra Menon, Advocate, filed a Memorandum of Settlement dated 15-9-1990, on 29-10-1990. The case was fixed for verification of the settlement on 11-1-1991. On 11-1-1991 Counsel for the management appeared, but no one appeared on behalf of the workman to verify the settlement.

3. The terms of settlement dated 15-9-1990 arrived at between the parties are as under :—

1. Both the parties are agreed that Shri M. S. Verma, Clerk Gr. II will be regularised in Clerical Gr. I w.e.f. 1-1-1987 and necessary Office Order will be issued within a period of 15 days.
2. Due to above, the fixation will be done within one month and amount of arrears arising out of the above fixation will be paid within 2 months to Shri M. S. Verma.
3. It is agreed by the union/workman that copy of the settlement will be filed before the CGIT jointly for issuing the consent award.
4. It is agreed by both the parties that the above settlement will not quote as precedence in any other case in future.
5. This is full and final settlement in respect of Shri M. S. Verma and workman will not raise any dispute in future before the authority, statutory or non-statutory forum in respect of this settlement.

3. As already stated above that no one appeared on behalf of the workman to verify the settlement inspite of notice, it appears that the Union has no interest in this case, may be due to the implementation of the settlement. Under the circumstances, I have no option but to pass a No Dispute Award. Award is passed accordingly without any order as to costs.

N. SHUKLA, Presiding Officer
[No. L-22012/31/89-IR(C-II)]

का.प्रा. 589:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुराडी कोलियरी आफ मी. ई.सी. लि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया, अमानसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-91 प्राप्त हुआ था।

S.O. 589.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kurdi Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on the 31-1-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, ASANSOL

Reference No. 57/90

PARTIES :

Employers in relation to the Management of Kurdi Colliery of M/s. E.C. Ltd.

AND

Their workman.

APPEARANCES :

For the Employers—None.

For the Workman—None.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 17th January, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012(264)/90-IR(C.II) dated the 4th December, 1990.

SCHEDULE

“Whether the action of the management of Kurdi Colliery under Satgram Area of M/s. E.C. Ltd., in dismissing Shri Munshi Manjhi from service w.e.f. 4-10-1988 was justified? If not, to what relief the workman is entitled to and from what date?”

2. The record has been put up today. This Reference was received by this Court on 17-12-90. Thereafter a registered notice was issued upon both the parties. The regd. notice upon the Secretary of the Union was served on 22-12-90 as it appears from the acknowledgement and the notice of the Agent of the Colliery was served on 21-12-90. In spite of the service of notice asking to file written statement on 8-1-91 none appeared for the union on 8-1-91. So 17-1-91 was fixed for filing written statement by union. But today also no step has been taken by the union. As such it appears to me that the union is no longer interested to proceed with this case.

In the circumstances I have no other alternative but to pass a no dispute award in this case. Accordingly a no dispute award is passed.

N. K. SAHA, Presiding Officer
[No. L-22012/267 '90-IR(C-II)]

नई दिल्ली, 8 फरवरी, 1991

का.प्रा. 590:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजीपुर कोलियरी आफ मी. ई.सी. लि. के प्रबन्ध-

नस्त्र के संबद्ध निजीयको और उनके कर्मचारियों के बीच, अतः प्र
मे निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण, अस्मसोल के पक्षों को प्रकाशित करती है, जो
केन्द्रीय सरकार को 1-2-1991 को प्राप्त हुआ था।

New Delhi, the 8th February, 1991

S.O. 590.—In pursuance of section of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Ranipur Colliery of M/s. E.C. Ltd. and their workmen which was received by the Central Government on the 1-2-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 58/88

PRESENT.

Shri N. K. Saha, Presiding Officer

PARTIES:

Employers in relation to the management of Ranipur Colliery of M/s Eastern Coalfields Ltd
AND

Their workman.

APPEARANCES:

For the Employers—Shri B. N. Lala, Advocate

For the Workman—Sri Bijoy Kumar, Joint Secretary of Union.

INDUSTRY : Coal

STATE : West Bengal.

Dated the 22nd January, 1991

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No I-24012(7)/88-D.IV(B) dated the 1st August, 1988.

SCHEDULE

"Whether the action of the Management of Ranipur Colliery of M/s. Eastern Coalfields Ltd. P.O. Neutoria, Dist. Purulia in stopping the services of Sri Sukhram Harijan, Underground Loader w.e.f. 1-7-1986 by not publishing the findings of the Age Determination Committee was justified? If not, to

what relief the workman concerned is entitled and from what date?"

2 The case is fixed for hearing today (22-1-91). It appears that the union is not taking proper interest in conducting the case. As such it appears to me that the union is not interested to proceed with the case.

3 In the circumstances I have no other alternative but to pass a no dispute award. Accordingly a no-dispute award is passed.

N. K. SAHA, Presiding Officer
[No. L-24012/27/88-D IV(B)]

RAJA LAI, Desk Officer

आदेश

नई दिल्ली, 4 फरवरी, 1991

का.आ. 591.— भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का.आ. 456 दिनांक 5 फरवरी, 1963 द्वारा गठित श्रम न्यायालय, मुख्यालय हैदराबाद के पीठासीन अधिकारी का पद रिक्त हुआ है।

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्री डी.वी.एस. ग. दत्तात्रेयुलु को उपरोक्त गठित श्रम न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[संख्या 11020/4/81-डी -I (प.)]

वी.के. शर्मा, डेस्क अधिकारी

ORDER

New Delhi, the 4th February, 1991

S.O. 591.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court with headquarters at Hyderabad constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 456 dated the 5th February, 1963:

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri D. V. S. R. G. Dattatrayulu as the Presiding Officer of the Labour Court constituted as aforesaid

[No. S-11020/4/81-D.I(A)]
V. K. SHARMA, Desk Officer

नई दिल्ली, 5 फरवरी, 1991

का.आ. 592.—केन्द्रीय सरकार, चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का 62) की धारा 10 के अनुसरण में इसके द्वारा वित्तीय वर्ष 1988-89 के दौरान उक्त अधिनियम के अधीन वित्त पोषित अपने क्रियाकलापों का विवरण देने हुए, उस वर्ष के लेखा विवरण के साथ निम्नलिखित रिपोर्ट प्रकाशित करती है:—
सामान्य

चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि को चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का 62) के अधीन गठित किया गया था, जिसमें चूना पत्थर और डोलोमाइट खान में नियोजित कर्मचारियों के कल्याण की अभिवृद्धि करने के लिए किसी खान में उत्पादित उसने चूना पत्थर और डोलोमाइट पर जितना

(1) किसी कारखाने के अधिष्ठता को विक्रय किया जाता है या अन्यथा निपटान किया जाता है, या

(2) ऐसी खान के स्वामी द्वारा सीमेंट, लोहा, इस्पात, लौहमिश्र धातु, अलाय स्टील, रसायन, चीनी, पेपर, खाद, रिप्रेटरीज, लौह-अयस्क पैलेटाइजेशन या ऐसी अन्य वस्तुओं या सामानों या वस्तुओं या सामानों के बर्ग, जैसा कि केन्द्रीय सरकार

समय समय पर सरकारी राजस्व में अधिसूचना द्वारा निदिष्ट करती है, के निर्माण में किसी प्रयोजन के लिए उपयोग में लाया जाता है, एक रुपया प्रति मीट्रिक टन तक की दर में उत्पादन शुल्क के उद्ग्रहण तथा संग्रहण की व्यवस्था की गयी है। उपकर के आगम मुख्यतः लोक स्वास्थ्य और स्वच्छता में सुधार, चिकित्सा सुविधाओं की व्यवस्था, जल आपूर्ति की व्यवस्था और उमरे सुधार, शैक्षिक सुविधाएँ, आवास पौषण और मनोरंजन कार्यक्रमों आदि के लिए लगत अदा करने के लिए उपयोग में लाए जाते हैं।

2 प्रशासन सुविधा के लिए, सभी राज्यों और संघ शासित क्षेत्रों को नौ क्षेत्रों में बांटा गया है और प्रत्येक क्षेत्र को कल्याण आयुक्त के अधिकार में रखा गया है। इन क्षेत्रों के कल्याण आयुक्तों को इस अधिनियम और इसके अधीन बनाए गए नियमों को लागू करने के लिए कल्याण और उपकर आयुक्तों के रूप में नियुक्त किया गया है।

देश में राज्यों और संघ शासित क्षेत्रों में कल्याण आयुक्तों का क्षेत्राधिकार निम्नानुसार है —

क्रमांक	अधिकार का पदनाम	मुख्यालय	उत्तरे क्षेत्राधिकार में आने वाले राज्य/संघ राज्य क्षेत्रों का नाम
1	2	3	4
1	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, जबलपुर।	जबलपुर	मध्य प्रदेश
2	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, कलकत्ता।	कलकत्ता	पश्चिम बंगाल, असम, त्रिपुरा, मेघालय, मणिपुर, नागालैण्ड प्रहणाचल प्रदेश मिजोरम और निकिकम।
3	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, भवनेश्वर।	भवनेश्वर	उड़ीसा
4	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, उलाहाबाद।	उलाहाबाद	उत्तर प्रदेश, जम्मू और कश्मीर, हिमाचल प्रदेश, पंजाब, दिल्ली और चंडीगढ़।
5	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, बंगलौर।	बंगलौर	कर्नाटक, करल और लक्षद्वीप।
6	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, भीलवाडा।	भीलवाडा	राजस्थान, गुजरात और हरियाणा
7	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, हैदराबाद।	हैदराबाद	आन्ध्र प्रदेश, तमिलनाडु, पांडिचेरी, अंडमान और निकोबार द्वीप समूह।
8	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, नागपुर।	नागपुर	महाराष्ट्र, गोवा दमन और दीव तथा दादरा और नागर हवेली।
9	कल्याण आयुक्त, भारत सरकार, श्रम मंत्रालय, कर्मा।	कर्मा	बिहार।

3. वर्ष 1988-89 के दौरान निधि के अन्तर्गत मुख्य कल्याण कार्यक्रमों का निम्नलिखित है —

(क) स्वास्थ्य :

कल्याण निधि संगठन द्वारा स्थापित किए गए 36 औषधालयों (आयुर्वेदिक/एलोपैथिक) और एक प्रसूति एवं बाल कल्याण केन्द्र द्वारा चूना पत्थर और डोलोमाइट खान कर्मचारी तथा उनके आश्रितों को चिकित्सीय सुविधा दी जाती रही। वर्ष के दौरान औषधालयों में कुल उपस्थिति 491039 थी। औषधालयों में वितरित की गयी दवाइयों की खरीद पर 623,905 रु. की धनराशि खर्च की गयी थी। टी.बी. अस्पतालों में पलंगों के आरक्षण के लिए योजना के अन्तर्गत टी.बी. से पीड़ित रोगियों के लिए 110 पलंग आरक्षित किए गये थे। टी.बी. रोगियों के दो आश्रितों को टी.बी. रोगियों के आवासीय उपचार के लिए योजना के अन्तर्गत निर्वाह भत्ते के रूप में 1,650 रु. की मंजूरी दी गयी थी। टी.बी. से पीड़ित कर्मचारियों को टी.बी. अस्पताल कर्मा में भी उपचार के लिये भेजा जाता है। कैंसर से पीड़ित 4 रोगियों को वित्तीय सहायता के रूप में 10,760 रु. की धनराशि दी गयी थी। मानसिक रोगों से पीड़ित एक कर्मकार को चिकित्सा प्रभार के रूप में 310 रु. की प्रतिपूर्ति की गयी। चश्मों की खरीद के लिए योजना के अधीन एक लाभानुयोगी को 50 रु. की मंजूरी दी गयी थी। घातक तथा गम्भीर दुर्घटना लाभ योजना के अन्तर्गत 11 मामलों में सुविधाएं प्रदान की गयीं और पीड़ितों या उनके आश्रितों को 1,88,673 रु. की धनराशि प्रदान की गयी।

48 खान प्रबंधकों को अपने औषधालयों तथा अस्पतालों में रख रखाव के लिए 11,67,890 रुपये की सहायता अनुदान राशि दी गयी थी। 3 खान प्रबंधकों को अस्पताल के उपकरण खरीदने के लिए 12,559 रु. का भुगतान किया गया था। 3 खान प्रबंध-तंत्रों को एम्बुलेन्स बेन खरीदने के लिए 1,03,000 रु. की वित्तीय सहायता दी गयी थी।

(ख) शिक्षा :

छात्रवृत्तियां देने संबंधी योजना के अधीन, चूना पत्थर और डोलोमाइट खान के उन कर्मचारियों के पुत्रों और पुत्रियों को छात्र-वृत्तियां दी जाती हैं जिनकी मासिक आय 1600 रु. प्रतिमाह से अधिक न हो। इस योजना में पांचवी कक्षा और उससे ऊपर, जिसमें तकनीकी शिक्षा, डिग्री पाठ्यक्रम, चिकित्सा और इंजीनियरिंग पाठ्यक्रम शामिल हैं, के छात्रों को छात्रवृत्तियां देने की परिकल्पना है। प्रति विद्यार्थी छात्रवृत्तियों की दर 15 रु. से लेकर 200 रु. प्रति माह तक है। वर्ष 1988-89 के दौरान खान कर्मचारियों के 2898 बच्चों को 9,40,051 रु. की राशि वितरित की गयी थी। स्लेटों/पुस्तकों/पाठ्यपुस्तकों की खरीद के लिए योजना के अधीन 793 बालकों ने लाभ उठाया तथा इस उद्देश्य से 14270 रु. की राशि मंजूर की गयी थी, स्कूल जाने वाले बच्चों को लाने-ले जाने के लिए वाहन खरीदने के उद्देश्य से 3 खान प्रबंधकों को सहायता अनुदान के रूप में 2,10,000 रु. की धनराशि मंजूर की गयी थी।

(ग) मनोरंजन :

13 खान प्रबंधकों को जबलपुर, हैदराबाद, भीलवाड़ा, बंगलौर, नागपुर, कर्मा क्षेत्रों में प्रत्येक को दो दो तथा भुवनेश्वर क्षेत्र में एक टी.बी. सैट मंजूर किए गए थे। इस उद्देश्य से 109081 रु. की राशि मंजूर की गयी थी। कर्मचारियों के लिए फिल्म-शो की व्यवस्था पर 3,10,381 रु. की राशि खर्च की गयी थी। कर्मचारियों को पुरी में अवकाश गृह (होलीडे होम) में जाने के लिए 20,739 रु. की राशि मंजूर की गयी थी। क्रीडाएं, खेल, सामाजिक और सांस्कृतिक कार्यक्रम आयोजित करने के लिए श्रम कल्याण संगठन द्वारा 67261 रुपये की राशि खर्च की गयी थी तथा इस उद्देश्य के लिए खान प्रबंधकों को 1,82,333 रु. मंजूर किए गए थे।

(घ) जल आपूर्ति योजना :

खानिकों के लिए जल आपूर्ति करने के वास्ते उन छोटे खान मालिकों को, जिनका उत्पादन 3,000 मीट्रिक टन से कम है, उनकी जल आपूर्ति योजनाओं के निर्माण हेतु और कुओं की खुदाई के लिए लागत के 75 प्रतिशत की दर से इमदाद दी जाती है। अन्य खान मालिकों को निर्माण की वास्तविक लागत के 50 प्रतिशत तक इमदाद प्रदान की जाती है। जल आपूर्ति योजना के 7 मामलों में प्रशासनिक अनुमति दी गई थी। वर्ष के दौरान जल आपूर्ति योजना के लिए 5,15,529 रु. की राशि तथा कुओं की खुदाई के लिए 46,867 रु. की राशि दी गयी थी।

(ङ) आवास :

चूना पत्थर और डोलोमाइट खान कर्मचारियों के लिए मकान सुविधाएं प्रदान करने रहन सहन दशाओं में सुधार करना कल्याण निधि के मुख्य कार्यक्रमों में से एक मुख्य कार्य है। इस समय तीन योजनाएं चल रही हैं, अर्थात्:—

1. टाइप-I आवास योजना,
2. टाइप-II आवास योजना
3. अपना मकान स्वयं बनाओ योजना और
4. ग्रुप आवास योजना

(1) टाइप-I आवास योजना के अन्तर्गत, प्रति मकान मानक अनुमानित लागत का 75 प्रतिशत या 10,000 रु. जो भी कम हो, आर्थिक सहायता दी जाती है। इस आर्थिक सहायता के अतिरिक्त, सामान्य क्षेत्रों के लिए 1000 रु. प्रति मकान की दर से और काली कपास या उभरी हुई भूमि वाले क्षेत्रों के लिए 1500 रु. की दर से या विकास की वास्तविक लागत, उनमें से जो भी कम हो, विकास प्रभार भी देय है। इन विकास प्रभारों में, अन्य बातों के साथ साथ, बाहरी और भीतरी जल आपूर्ति, सफाई, बिजली और पहुँच सड़कों का व्यय शामिल है। रिपोर्टाधीन वर्ष के दौरान इस योजना के अधीन स्वीकृति मकानों के लिए 17,51,000 रु. की राशि दी गयी थी। खान प्रबंधकों से किराये के रूप में 761,049 रु. की राशि वसूल की गयी थी। 50 मकानों के लिए प्रशासनिक अनुमोदन दिया गया था।

(2) टाइप-II आवास योजना के अन्तर्गत साधारण क्षेत्रों में प्रति मकान 1500 रु. और काली कपास या उभरी हुई भूमि वाले क्षेत्रों में 2250 रु. की दर से या विकास की वास्तविक लागत, इनमें से जो भी कम हो, आर्थिक सहायता दी जाती है। इस योजना के अधीन 280 मकानों की मंजूरी दी गयी थी और मकानों के निर्माण के लिए आर्थिक सहायता के रूप में 12,10,150 रु. की राशि जारी की गयी थी। 50 मकानों के लिए प्रशासनिक अनुमोदन दिया गया था। खान प्रबंधकों से किराये के रूप में 1,77,245 रु. की राशि वसूल की गयी थी।

(3) अपना मकान स्वयं बनाओ योजना के अन्तर्गत, पात्र कर्मकार को 1000 की दर से आर्थिक सहायता तथा 4000 रु. का व्याज मुक्त ऋण दिया जाता है जिसे 9 वर्ष के अन्दर मासिक किश्ती के रूप में वसूल किया जाता है। वर्ष के दौरान 10 मकानों की मंजूरी दी गयी थी और 73,300 रु. की राशि वितरित की गयी थी। पहले मंजूर किए गए ऋणों के संबंध में कर्मकारों से 16,391 रु. की राशि वसूल की गयी थी।

(4) ग्रुप आवास योजना एक नई योजना जो कर्मकारों को कम से कम 50 कर्मकारों की सहकारी समितियाँ बनाने के लिए प्रेरित करती है जो कल्याण निधि में वित्तीय संसाधनों द्वारा अपने संसाधनों को पूरा करके अपने सदस्यों के लिए मकान बनायेंगी। सहकारी समिति को वित्तीय संस्थान या किसी अन्य व्यक्ति के पक्ष में मकानों को दुबारा रेहन पर रखने के लिए बातचीत करने की अनुमति है। प्रथम रेहन कल्याण निधि के पक्ष में है। मकानों के निर्माण के लिए प्रति मकान 4000 रु. की दर से ऋण तथा 1000 रु. की दर से आर्थिक सहायता मंजूर की जाती है। इस वर्ष के दौरान इस योजना के अधीन मकानों के निर्माण के लिए कोई प्रस्ताव प्राप्त नहीं हुआ था।

भाग-II

वर्ष 1988-89 के लिए लेखा विवरण	(रुपये हजारों में)
1 अप्रैल, 1988 को आरंभिक अतिशेष	27558
वर्ष 1988-89 के दौरान आय	25354
कुल	52912
वर्ष के दौरान व्यय	15915
31-3-1989 को अंतशेष	36997

भाग-III

वर्ष 1988-89 के दौरान अनुमानित आय और व्यय	(रुपये हजारों में)
1. अनुमानित व्यय	19696
2. अनुमानित आय	30244

[संख्या जेड-16016/5/89-डू-पू-II]

वी.डी. नागर, अवर सचिव

New Delhi, the 5th February, 1991

General :

S.O. 592.—In pursuance of Section 10 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972), the Central Government hereby publishes the following report giving an account of its activities financed under the said Act during the year 1988-89 together with the statement of accounts for that year:—

The Limestone and Dolomite Mines Labour Welfare Fund was constituted under the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972), which provides for the levy and collection of cess at a rate not

exceeding one rupee per metric tonne, on so much of Limestone and dolomite produced in any mine :—

- (i) as is sold or otherwise disposed of to the occupier of any factory; or
- (ii) as is used by the owner of such mine for any purpose in connection with the manufacture of cement, iron, steel, ferro-alloys, alloy steel, chemicals, sugar, paper, fertilizers, refractories, iron ore pelleting or such other article or goods or class of articles or goods, as the Central Government may, from time to time specify by notification in the official Gazette, to promote the welfare of the persons employed in Limestone and Dolomite Mines. The proceeds of the cess are being utilis-

ed mainly to defray the cost of measures directed towards the improvement of public health and sanitation, provision of medical facilities, provision and improvement of water supply, educational facilities, housing, nutrition and recreation etc.

For administrative convenience, all the States and Union Territories of the country have been divided into nine regions. Each region is under the over all charge of a Welfare Commissioner. The Welfare Commissioners of the areas have been appointed as Welfare and Cess Commissioners for the enforcement of the Act and Rules framed thereunder.

The jurisdiction of the Welfare Commissioners over the States and Union Territories in the country is as under :—

S. No.	Designation of Officer	Head Quarter	Name of the State(s)/Union Territories in their jurisdiction
1.	Welfare Commissioner, Government of India, Ministry of Labour, Jabalpur.	Jabalpur	Madhya Pradesh
2.	Welfare Commissioner, Government of India, Ministry of Labour, Calcutta.	Calcutta	West Bengal, Assam, Tripura, Meghalaya, Manipur, Nagaland, Arunachal Pradesh, Mizoram and Sikkim
3.	Welfare Commissioner, Government of India, Ministry of Labour, Bhubaneswar.	Bhubaneswar	Orissa
4.	Welfare Commissioner, Government of India, Ministry of Labour, Allahabad.	Allahabad	Uttar Pradesh, Jammu & Kashmir, Himachal Pradesh, Punjab, Delhi and Chandigarh
5.	Welfare Commissioner, Government of India, Ministry of Labour, Bangalore.	Bangalore	Karnataka, Kerala, Lakshadweep
6.	Welfare Commissioner, Government of India, Ministry of Labour, Bhilwara.	Bhilwara	Rajasthan, Gujarat and Haryana.
7.	Welfare Commissioner, Government of India, Ministry of Labour, Hyderabad.	Hyderabad	Andhra Pradesh, Tamil Nadu, Pondicherry, Andaman and Nicobar Islands.
8.	Welfare Commissioner, Government of India, Ministry of Labour, Nagpur.	Nagpur	Maharashtra, Goa, Daman and Diu and Dadra & Nagar Haveli.
9.	Welfare Commissioner, Government of India, Ministry of Labour, Karma.	Karma	Bihar

3. The following are the main welfare activities financed under the Fund during the year 1988-89 :—

A-Health :

36 dispensaries (Ayurvedic/Allopathic) and one Maternity-child Welfare Centre set up by the Welfare Fund Organisation continued to give medical treatment to the Limestone and Dolomite Mine Workers and their dependants. The total attendance in the dispensaries during the year was 491039. A sum of Rs. 623,905 was spent on purchase of medicines disbursed at the dispensaries. 10 Beds were reserved for T. B. patients under the scheme for reservation of beds in T. B. Hospitals. The dependents of two T. B. patients were sanctioned Rs. 1,650 as subsistence allowance under the scheme for domiciliary treatment

of T. B. patients. The workers suffering from T. B. are also referred for treatment at the T. B. Hospital Karma. A sum of Rs. 10,760 was given as financial assistance to 4 patients suffering from cancer. A worker suffering from mental disease was reimbursed Rs. 310 as medical charges. Rs. 50 was granted to a beneficiary under the Scheme for purchase of spectacles. Benefits were provided to 11 cases under the Fatal and Serious Accident Benefits Scheme and an amount of Rs. 1,88,673 was given to the victims or their dependents.

Grant-in-aid amounting to Rs. 11,67,890 was paid to 48 mine managements for maintaining their own dispensaries and hospitals. 3 mine managements were paid Rs. 12,559 for purchase of Hospital Equipment. 3 mine managements were given financial assistance of Rs. 1,03,000 for purchase of Ambulance Van.

B.—Education :

Under the Scheme for award of Scholarships benefits are provided to the sons and daughters of regular limestone and dolomite mine workers whose monthly income does not exceed Rs. 1600 p.m. The scheme envisages award of scholarships to the students of Class V and above including those pursuing technical education, degree courses, medical and engineering courses. The rates of scholarships vary from Rs. 15 to Rs. 200 per month per student. During 1988-89 a sum of Rs. 9,40,051 was distributed to 2898 children of mine workers. 793 children benefitted under the scheme for purchase of slates/books/textbooks and a sum of Rs. 14,270 was sanctioned for this purpose. Grant-in-aid amounting to Rs. 2,10,000 was sanctioned to 3 mine managements for purchase of vehicle for transportation of school going children.

C.—Recreation :

13 Mine managements were sanctioned T. V. Sets 2 in each Jabalpur, Hyderabad, Bhillwara, Bangalore, Nagpur, Karma Regions and one in Bhubaneswar Region. A sum of Rs. 10,9081 was sanctioned for this purpose. A sum of Rs. 3,10,381 was spent on arranging film shows, for the workers. A sum of Rs. 20,739 was sanctioned in connection with workers tours to Holiday Home at Puri. For organising sports, games, social and cultural activities a sum of Rs. 67,061 was spent by the Labour Welfare Organisation and Rs. 1,02,333 was sanctioned to mine managements for this purpose.

D.—Water Supply Scheme :

For water supply to the miners, the Fund gives subsidies to the small mine owners whose production is less than 3,000 metric tonnes per month, at the rate of 75 per cent of the cost of construction for their water supply schemes and sinking of wells. The other mine owners are paid subsidy not exceeding 50 per cent of the actual cost of construction. Administrative approval was given in 7 cases of water supply scheme. A sum of Rs. 5,15,529 for water supply scheme and Rs. 46,867 for sinking of wells was released during the year.

E.—Housing :

Improvement of living conditions by providing housing facilities to limestone and dolomite mine workers is one of the major activities of the Welfare Fund. Presently, there are four schemes in vogue, namely :—

1. Type-I Housing Scheme,
2. Type-II Housing Scheme,
3. Build Your Own House Scheme,
4. Group Housing Scheme.

(1) Under Type-I Housing Scheme, subsidy per tenement is payable at the rate of 75 per cent of the standard estimated cost or Rs. 10,000 whichever is less. In addition to the subsidy, development charges are also payable at the rate of Rs. 1000 per tenement for ordinary areas and Rs. 1,500 for black cotton or swelly soil areas or the actual cost of development whichever is less. The development charges inter-alia are for external and internal water supply, sanitation electricity and approach roads. During the year under report a sum of Rs. 1751,000 was released for houses sanctioned under this scheme. A sum of Rs. 761,049 was recovered as rent from mine managements. Administrative approval for 50 houses was accorded.

(2) Under the Type-II Housing Scheme subsidy per tenement is payable at the rate of Rs. 1500 per tenement in ordinary areas and Rs. 2250 per house in black cotton or swelly soil areas or the actual cost or development whichever is less. Under the Scheme 280 houses were sanctioned and a sum of Rs. 12,10,150 was released as subsidy for construction of houses. Administrative approval for 50

houses was accorded. A sum of Rs. 1,77,245 was recovered as rent from mine managements.

(3) Under the Build Your Own House Scheme financial assistance is given to eligible worker at the rate of Rs. 1000 as subsidy and interest free loan of Rs. 4,000 returnable in monthly instalments spread over nine years. Ten houses were sanctioned during the year and a sum of Rs. 73,300 was disbursed. A sum of Rs. 16,391 was recovered from workers on the loans sanctioned earlier.

(4) The Group Housing Scheme, is a new scheme which encourages workers to form cooperative societies of at least 50 workers which would build tenements for their members from their own resources supplemented by financial resources from the Welfare Fund. The cooperative society is allowed to negotiate a second mortgage of the tenements in favour of financial institution or any other person. The first mortgage is in favour of Welfare Fund. Loan at the rate of Rs. 4,000 and subsidy at the rate of Rs. 1,000 per house is sanctioned for construction of houses. During the year no proposal for construction of houses under this scheme was received.

Part-II

Statement of Account for year 1988-89 (Rupees in thousands)

Opening balance as on 1st April, 1988.	27558
Receipt during the Year 1988-89	25354
	<hr/> 52912 <hr/>
Expenditure during the year	15915
Closing balance as on 31-3-89	36997

Part-III

(Rs. in thousands)
Estimated Receipts and Expenditure for the year 1989-90

1. Estimated Expenditure	19,696
2. Estimated Receipts	30,244

[No. Z-16016/5/89-W.II]

V. D. NAGAR, Under Secy.

नई दिल्ली, 7 फरवरी, 1991

का.आ. 593 :- उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार श्री एन. कृष्ण पिन्ने, अनुभाग अधिकारी को दिनांक 9-1-91 से अगला आदेश जारी होने तक उत्प्रवास मरश्री, त्रिवेन्द्रम के रूप में नियुक्त करती है ।

[सन्ख्या ए-22012(1)/90-उत्प्रवास]

आर.के. गुप्ता, अवर सचिव

New Delhi, the 7th February, 1991

S.O. 593.—In exercise of the powers conferred by Section 3, sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri N. Krishna Pillai, Section Officer as Protector of Emigrants Trivandrum with effect from 9-1-1991 till further orders.

[No. A-22012/1/90-Emig.]

R. K. GUPTA, Under Secy.

नई दिल्ली, 8 फरवरी, 1991

का. आ. 594:—केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33 ग की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या ए-11016/5/85—सी. एल. टी. दिनांक 3 फरवरी, 1987 द्वारा उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय, बेंगलूर को उस श्रम न्यायालय के रूप में निर्दिष्ट करती है जो उस रकम का मूल्यांकन करेगा जिस पर उस धारा में निर्दिष्ट किसी असुविधा की सगणना कर्नाटक राज्य के किसी उद्योग में, जिसके बारे में केन्द्रीय सरकार समुचित सरकार है, नियोजित कर्मचारों के संबंध में धन के रूप में की जाएगी।

[सं. ए.-11020/6/87 सी. एल. टी.]

जगदीश हरिजन, उप सचिव

New Delhi, the 8th February, 1991

S.O. 594.—In exercise of the powers conferred by sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies the Labour Court, Bangalore constituted under section 7 of the said Act by the notification of the Government of India in the Ministry of Labour No. A-11016/5/85-CLT dated 3rd February, 1987 as the Labour Court which shall determine the amount at which any benefit referred to in that sub-section would be computed in terms of money in relation to workers employed in any industry in the State of Karnataka in respect of which the Central Government is the appropriate Government.

[No. A-11020/6/87-CLT]

JAGDISH HARIJAN, Dy. Secy.

नई दिल्ली, 11 फरवरी, 1991

का. आ. 595:—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा-1 की उपधारा (3)

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-2-91 को उस तारीख के रूप में नियम बनाती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है,] के उपबन्ध महाराष्ट्र राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“जिला अकोला में अकोला नगर पालिका की बड़ी हुई सीमाओं के अन्तर्गत आने वाले क्षेत्र उन क्षेत्रों के सिवाय जहाँ उक्त व्यवस्था पहले ही लागू की जा चुकी है।”

[संख्या एस.-38013/6/91-एस एस. I]

ए. के. भट्टाचार्य, सचिव

New Delhi, the 11th February, 1991

S.O. 595.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th February, 1991 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely:—

“The area comprising of Extended Municipal Limits of Akola in the District Akola except the areas in which the said provisions of the Act have already been brought into force.”

A. K. BHATTARAI, Under Secy.

[No. S-38013/6/91-SS.I]